



Journal of the House

State of Indiana

115th General Assembly

Second Regular Session

Ninth Meeting Day

Thursday Morning

January 24, 2008

The House convened at 9:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for wisdom and service (printed January 10, 2008).

The Pledge of Allegiance to the Flag was led by Representative William A. Crawford.

The Speaker ordered the roll of the House to be called:

Austin	Hinkle ☐
Avery	Hoy
Bardon	Kersey
Bartlett	Klinker
Battles	Knollman
Behning	Koch
Bell	L. Lawson
Bischoff	Lehe
Blanton	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy
Buell	Neese
Burton ☐	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cherry	Oxley
Cochran	Pelath
Crawford	Pflum
Crooks	Pierce
Crouch	Pond
Davis	Porter
Day	Reske
Dembowski	Richardson
Dermody	Ripley
Dobis	Robertson
Dodge ☐	Ruppel ☐
Duncan	Saunders
Dvorak	Simms
Eberhart	M. Smith
Elrod	V. Smith
Espich	Soliday
Foley	Stemler
Friend	Steuerwald
Frizzell	Stevenson
Fry	Stilwell
GiaQuinta	Stutzman
Goodin	Summers
Grubb	Thomas ☐
Gutwein	Thompson
E. Harris	Tincher
T. Harris	Torr
Herrell	Turner

Tyler
Ulmer
VanDenburgh
VanHaaften

Walorski
Welch
Wolkins
Mr. Speaker

Roll Call 28: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 28, 2008, at 9:00 a.m.

PFLUM

The motion was adopted by a constitutional majority.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 1, 17, 18, 21, 22, 58, 62, 211, and 257 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 39, 40, 41, 45, 88, 139, 148, 153, 154, 155, and 156 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 6 and the same is herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1119, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "9.5." insert "(a)".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

"(b) This section may be implemented only if the local board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate."

Page 1, line 13, after "12.7." insert "(a)".

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(b) This section may be implemented only if the local board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate."

Page 2, line 6, after "12.5." insert "(a)".

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"(b) This section may be implemented only if the local board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate."

Page 2, line 16, after "11.5." insert "(a)".

Page 2, after line 23, begin a new paragraph and insert:

"(b) This section may be implemented only if the PERF board receives from the Internal Revenue Service any rulings or determination letter that the local board considers necessary or appropriate."

(Reference is to HB 1119 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

NIEZGODSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1124, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

NIEZGODSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1244, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1292, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1297, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 1.

STEVENSON, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:15 p.m. with the Speaker in the Chair.

Representative C. Brown was excused.

The Speaker ordered the roll of the House to be called to determine the presence of a quorum. Roll Call 29: 82 present.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1049, 1067, 1077, 1089, 1120, 1145, 1171, and 1179.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Representative Crawford called down Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 30: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors : Senator Kenley and Skinner.

With consent of the members, the Speaker returned to bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1016

Representative VanDenburgh called down House Bill 1016 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1016-1)

Mr. Speaker: I move that House Bill 1016 be amended to read as follows:

Page 1, line 6, strike "The claimant shall give at least ten (10) days".

Page 1, strike lines 7 through 9.

(Reference is to HB 1016 as printed January 17, 2008.)

RICHARDSON

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

House Bill 1019

Representative Avery called down House Bill 1019 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1019-1)

Mr. Speaker: I move that House Bill 1019 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10-8.5-18, AS ADDED BY P.L.44-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2007 (RETROACTIVE)]: Sec. 18. (a) Except as provided in subsection (b), the balance in a retired participant's subaccount may be used by the retired participant and the spouse and dependents of the retired participant to pay premiums for individual or group health coverage. **provided by**

an insurance policy.

(b) If the budget agency requests and receives from the Internal Revenue Service an appropriate ruling or determination letter, the balance in a retired participant's subaccount also may be used to pay

~~(1) premiums for individual or group health coverage provided by a means other than an insurance policy; and~~
~~(2) sickness, accident, hospitalization, and medical expenses of the retired participant, and the spouse and dependents of the retired participant."~~

Renumber all SECTIONS consecutively.

(Reference is to HB 1019 as printed January 17, 2008.)

MURPHY

Motion prevailed. The bill was ordered engrossed.

Representative Eberhart was excused.

House Bill 1034

Representative V. Smith called down House Bill 1034 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1034-2)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

Page 2, line 26, after "(f)" insert **"This chapter may not be construed to prohibit compulsory retirement of an employee of state educational institution who:**

(1) is at least sixty-five (65) years of age; and
(2) for the two (2) year period immediately before retirement, is employed in a bona fide executive or higher policymaking position.

(g)".

(Reference is to HB 1034 as printed January 18, 2008.)

V. SMITH

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

After further discussion, Representative V. Smith withdrew the motion.

HOUSE MOTION (Amendment 1034-1)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

Page 2, line 2, delete "." and insert **"and of IC 22-9-2."**

Page 2, delete lines 27 through 42.

Delete pages 3 through 4.

Page 5, delete lines 1 through 24.

Page 6, line 29, delete "age,".

Page 6, line 41, delete "age,".

Page 9, delete lines 21 through 42.

Delete pages 10 through 12.

Page 13, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as printed January 18, 2008.)

LEONARD

Upon request of Representatives V. Smith and Oxley, the Speaker ordered the roll of the House to be called. Roll Call 31: yeas 37, nays 49/ Motion failed. The bill was ordered engrossed.

House Bill 1045

Representative Bischoff called down House Bill 1045 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1045-1)

Mr. Speaker: I move that House Bill 1045 be amended to read as follows:

Page 3, between lines 23 and 24, begin a new line block indented and insert:

"(10) Two (2) members representing a statewide taxpayer association."

Page 3, line 24, delete "(10)" and insert **"(11)"**.

Page 3, line 25, delete "(11)" and insert **"(12)"**.

Page 3, line 27, delete "(12)" and insert **"(13)"**.

Page 3, line 29, delete "(a)(9)" and insert **"(a)(10)"**.

Page 3, line 31, delete "(a)(10)" and insert **"(a)(11)"**.

Page 3, line 34, delete "3(a)(10)" and insert **"3(a)(11)"**.

Page 4, line 12, delete "nine (9)" and insert **"ten (10)"**.

Page 5, between lines 18 and 19, begin a new line block indented and insert:

"(6) One (1) member appointed under IC 14-21-4-3(a)(10), as added by this act, for a term of three (3) years."

Page 5, line 19, delete "(6)" and insert **"(7)"**.

Page 5, line 21, delete "(7)" and insert **"(8)"**.

Page 5, line 23, delete "(8)" and insert **"(9)"**.

Page 5, line 25, delete "(9)" and insert **"(10)"**.

Page 5, line 27, delete "(10)" and insert **"(11)"**.

Page 5, line 29, delete "(11)" and insert **"(12)"**.

Page 5, line 31, delete "(12)" and insert **"(13)"**.

Page 5, line 33, delete "(13)" and insert **"(14)"**.

Page 5, line 35, delete "(14)" and insert **"(15)"**.

Page 5, between lines 36 and 37, begin a new line block indented and insert:

"(16) One (1) member appointed under IC 14-21-4-3(a)(11), as added by this act, for a term of one (1) year."

(Reference is to HB 1045 as printed January 18, 2008.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

House Bill 1062

Representative Day called down House Bill 1062 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representatives Crooks and Richardson were excused.

House Bill 1074

Representative Soliday called down House Bill 1074 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1074-1)

Mr. Speaker: I move that House Bill 1074 be amended to read as follows:

Page 5, after line 14, begin a new paragraph and insert:

"SECTION 3. IC 35-50-2-9, AS AMENDED BY P.L.99-2007, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Except as provided in subsection (m), this section does not apply to a defendant described in section 9.5 of this chapter.The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with mental retardation.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to

commit any of the following:

- (A) Arson (IC 35-43-1-1).
- (B) Burglary (IC 35-43-2-1).
- (C) Child molesting (IC 35-42-4-3).
- (D) Criminal deviate conduct (IC 35-42-4-2).
- (E) Kidnapping (IC 35-42-3-2).
- (F) Rape (IC 35-42-4-1).
- (G) Robbery (IC 35-42-5-1).
- (H) Carjacking (IC 35-42-5-2).
- (I) Criminal gang activity (IC 35-45-9-3).
- (J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).
- (2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure person or damage property.
- (3) The defendant committed the murder by lying in wait.
- (4) The defendant who committed the murder was hired to kill.
- (5) The defendant committed the murder by hiring another person to kill.
- (6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, fireman, **or judge, or law enforcement officer**; and either:
 - (A) the victim was acting in the course of duty; or
 - (B) the murder was motivated by an act the victim performed while acting in the course of duty.
- (7) The defendant has been convicted of another murder.
- (8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.
- (9) The defendant was:
 - (A) under the custody of the department of correction;
 - (B) under the custody of a county sheriff;
 - (C) on probation after receiving a sentence for the commission of a felony; or
 - (D) on parole;
 at the time the murder was committed.
- (10) The defendant dismembered the victim.
- (11) The defendant burned, mutilated, or tortured the victim while the victim was alive.
- (12) The victim of the murder was less than twelve (12) years of age.
- (13) The victim was a victim of any of the following offenses for which the defendant was convicted:
 - (A) Battery as a Class D felony or as a Class C felony under IC 35-42-2-1.
 - (B) Kidnapping (IC 35-42-3-2).
 - (C) Criminal confinement (IC 35-42-3-3).
 - (D) A sex crime under IC 35-42-4.
- (14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.
- (15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):
 - (A) into an inhabited dwelling; or
 - (B) from a vehicle.
- (16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).
- (c) The mitigating circumstances that may be considered under this section are as follows:
 - (1) The defendant has no significant history of prior criminal conduct.
 - (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
 - (3) The victim was a participant in or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

- (1) the aggravating circumstances alleged; or
- (2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

- (1) the death penalty; or
- (2) life imprisonment without parole;

only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

- (1) sentence the defendant to death; or
- (2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for post-conviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional post-conviction relief. The attorney

general shall answer the petition for post-conviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

- (1) conviction or sentence was in violation of the:
 - (A) Constitution of the State of Indiana; or
 - (B) Constitution of the United States;
- (2) sentencing court was without jurisdiction to impose a sentence; and
- (3) sentence:
 - (A) exceeds the maximum sentence authorized by law; or
 - (B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state post-conviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

- (1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and
- (2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

(m) The state may proceed against a defendant who is alleged to have committed murder and at least one (1) aggravating circumstance described in section 9.5(a) of this chapter and in subsection (b). If the state proceeds against a defendant who is alleged to have committed murder and at least one (1) aggravating circumstance described in section 9.5(a) of this chapter and in subsection (b), the procedures described in:

- (1) this section apply to the proceedings concerning the aggravating circumstances described in subsection (b); and
- (2) section 9.5 of this chapter apply to the proceedings concerning the aggravating circumstances described in subsection (b).

Procedures described in this section and section 9.5 of this chapter shall be combined if they are not inconsistent with each other.

SECTION 4. IC 35-50-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 9.5. (a) If the prosecuting attorney has reason to believe that the defendant committed murder and the victim was a law enforcement officer:**

- (1) acting in the line of duty (including an off duty officer who identified himself or herself as a law enforcement officer); or
- (2) whose murder was motivated by an act the law enforcement officer performed while acting in the course of duty;

the state shall seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging the existence of one (1) or both of these aggravating circumstances on a page separate from the rest of the charging instrument. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is a mentally retarded individual.

(b) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances described in subsection (a), and shall provide a special verdict form for these aggravating circumstances. The defendant may present any additional evidence relevant to:

- (1) the aggravating circumstances alleged; or
- (2) any of the mitigating circumstances listed in subsection (c).

(c) The mitigating circumstances that may be considered under this section are as follows:

- (1) The defendant has no significant history of prior criminal conduct.
- (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
- (3) The victim was a participant in or consented to the defendant's conduct.
- (4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.
- (5) The defendant acted under the substantial domination of another person.
- (6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.
- (7) The defendant was less than eighteen (18) years of age at the time the murder was committed.
- (8) Any other circumstances appropriate for consideration.

(d) Except as provided by IC 35-36-9, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole should be imposed. The jury may recommend:

- (1) the death penalty; or
- (2) life imprisonment without parole;

only if it makes the findings described in subsection (k). If the jury makes the findings described in subsection (k), the jury may not recommend that the defendant be sentenced to a term of years. If the state seeks a sentence of life imprisonment without parole and does not seek the death penalty, the jury shall recommend a sentence of life imprisonment without parole if it makes the findings described in subsection (k). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(e) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(f) If the hearing is to the court alone, except as provided by IC 35-36-9, the court shall:

(1) sentence the defendant to death; or

(2) impose a term of life imprisonment without parole; if it makes the findings described in subsection (k). If the court makes the findings described in subsection (k), the court may not sentence the defendant to a term of years. If the state seeks a sentence of life imprisonment without parole and does not seek the death penalty, the court shall impose a sentence of life imprisonment without parole if it makes the findings described in subsection (k).

(g) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(h) If a person sentenced to death by a court files a petition for postconviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional postconviction relief. The attorney general shall answer the petition for postconviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(i) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all other cases. The supreme court's review must take into consideration all claims that the:

(1) conviction or sentence was in violation of the:

(A) Constitution of the State of Indiana; or

(B) Constitution of the United States;

(2) sentencing court was without jurisdiction to impose a sentence; and

(3) sentence:

(A) exceeds the maximum sentence authorized by law; or

(B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution

under subsection (g), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(j) A person who has been sentenced to death and who has completed state postconviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(k) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (d), or the court, in a proceeding under subsection (f), must find that the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (a) exists.

(l) The state may proceed against a defendant who is alleged to have committed murder and at least one (1) aggravating circumstance described in subsection (a) and in section 9(b) of this chapter. If the state proceeds against a defendant who is alleged to have committed murder and at least one (1) aggravating circumstance described in subsection (a) and in section 9(b) of this chapter, the procedures described in:

(1) this section apply to the proceedings concerning the aggravating circumstances described in subsection (a); and

(2) section 9 of this chapter apply to the proceedings concerning the aggravating circumstances described in section 9(b) of this chapter.

Procedures described in this section and section 9 of this chapter shall be combined if they are not inconsistent with each other.

SECTION 5. [EFFECTIVE JULY 1, 2008] IC 35-50-2-9, as amended by this act, and IC 35-50-2-9.5, as added by this act, apply only to crimes committed after June 30, 2008."

(Reference is to HB 1074 as printed January 22, 2008.)

WALORSKI

Upon request of Representatives Walorski and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 32: yeas 69, nays 19. Motion prevailed. The bill was ordered engrossed.

House Bill 1096

Representative Hoy called down House Bill 1096 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1096-1)

Mr. Speaker: I move that House Bill 1096 be amended to read as follows:

Page 9, delete lines 16 through 24, begin a new paragraph and insert:

"(b) The governor shall appoint a person under IC 3-13-6-1(f) to serve as the second judge of the Miami superior court added by IC 33-33-52-3, as amended by this act. The term of the initial judge appointed under this subsection begins January 1, 2009, and ends December 31, 2010.

(c) The initial election of the second judge of the Miami superior court added by IC 33-33-52-3, as amended by this

act, is the general election on November 2, 2010. The term of the judge initially elected under this subsection begins January 1, 2011.

(d) This SECTION expires January 2, 2011."

(Reference is to HB 1096 as printed January 22, 2008.)

HOY

Motion prevailed. The bill was ordered engrossed.

House Bill 1108

Representative Buell called down House Bill 1108 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1118

Representative VanHaaften called down House Bill 1118 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1118-1)

Mr. Speaker: I move that House Bill 1118 be amended to read as follows:

Page 34, line 41, after "(j)" insert "**This subsection does not apply to a city with a population of more than forty-six thousand five hundred (46,500) and less than fifty thousand (50,000) that has the St. Joseph River running through it and is traversed by the Indiana toll road.**".

(Reference is to HB 1118 as printed January 18, 2008.)

FRY

The Speaker ordered a division of the House and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 52, nays 36. Motion prevailed.

HOUSE MOTION (Amendment 1118-2)

Mr. Speaker: I move that House Bill 1118 be amended to read as follows:

Page 35, line 3, after "area" insert "**under IC 36-7-14**".

Page 35, line 3, delete "determined" and insert "**established**".

Page 35, line 22, after "exceed" insert "**a total of**".

Page 35, line 22, delete "at any time" and insert "**for the city or town. If the city or town adopts more than one (1) ordinance creating an economic development area under IC 36-7-14, the city or town may stipulate that the five (5) permits may be divided among the economic development areas.**".

Page 35, line 28, after "law," insert "**including IC 7.1-1-3-16.5(2).**".

Page 35, line 31, after "census" insert "**and each decennial census thereafter,**".

(Reference is to HB 1118 as printed January 18, 2008.)

BELL

Motion prevailed. The bill was ordered engrossed.

House Bill 1122

Representative Reske called down House Bill 1122 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1122-2)

Mr. Speaker: I move that House Bill 1122 be amended to read as follows:

Page 2, line 19, delete "if" and insert "**if:**

(A) charged as a felony; or

(B) the individual has:

(i) a prior unrelated conviction; or

(ii) an unrelated adjudication as a delinquent child for an act that would be an offense under IC 35-47-2-1 if committed by an adult;".

Page 2, delete line 20.

Page 2, line 21, delete "if charged as a felony;" and insert "**if:**

(A) charged as a felony; or

(B) the individual has:

(i) a prior unrelated conviction; or

(ii) an unrelated adjudication as a delinquent child for an act that would be an offense under IC 35-47-10 if committed by an adult;".

(Reference is to HB 1122 as printed January 17, 2008.)

RESKE

Motion prevailed. The bill was ordered engrossed.

House Bill 1125

Representative Goodin called down House Bill 1125 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1125-3)

Mr. Speaker: I move that House Bill 1125 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 7. The following property is not subject to assessment and taxation under this article:

(1) A commercial vessel that is subject to the net tonnage tax imposed under IC 6-6-6.

(2) A motor vehicle or trailer that is subject to the annual license excise tax imposed under IC 6-6-5.

(3) A boat that is subject to the boat excise tax imposed under IC 6-6-11.

(4) Property used by a cemetery (as defined in IC 23-14-33-7) if the cemetery:

(A) does not have a board of directors, board of trustees, or other governing authority other than the state or a political subdivision; and

(B) has had no business transaction during the preceding calendar year.

(5) A commercial vehicle that is subject to the annual excise tax imposed under IC 6-6-5.5.

(6) A recreational vehicle or truck camper that is subject to the annual excise tax imposed under IC 6-6-5.1."

Page 2, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 3. IC 6-6-5.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]:

Chapter 5.1. Excise Tax on Recreational Vehicles and Truck Campers

Sec. 1. This chapter does not apply to the following:

(1) A vehicle subject to the motor vehicle excise tax under IC 6-6-5.

(2) A vehicle owned or leased and operated by the United States, the state, or a political subdivision of the state.

(3) A mobile home.

(4) A vehicle assessed under IC 6-1.1-8.

(5) A vehicle subject to the commercial vehicle excise tax under IC 6-6-5.5.

(6) A trailer subject to the annual excise tax imposed under IC 6-6-5-5.5.

(7) A bus (as defined in IC 9-13-2-17(a)).

(8) A vehicle owned or leased and operated by a postsecondary educational institution (as described in IC 6-3-3-5(d)).

(9) A vehicle owned or leased and operated by a volunteer fire department (as defined in IC 36-8-12-2).

(10) A vehicle owned or leased and operated by a volunteer emergency ambulance service that:

(A) meets the requirements of IC 16-31; and

(B) has only members who serve for no compensation or a nominal annual compensation of not more than three thousand five hundred dollars (\$3,500).

(11) A vehicle that is exempt from the payment of registration fees under IC 9-18-3-1.

(12) A farm wagon.

(13) A recreational vehicle or truck camper in the inventory of recreational vehicles and truck campers held for sale by a manufacturer, distributor, or dealer in the course of business.

Sec. 2. As used in this chapter, "bureau" refers to the bureau of motor vehicles.

Sec. 3. As used in this chapter, "last preceding annual excise tax liability" means the amount of excise tax liability to which a recreational vehicle or truck camper was subject on the owner's last preceding regular annual registration date or to which:

(1) the recreational vehicle would have been subject if the recreational vehicle had been registered; or

(2) the truck camper would have been subject if the truck camper had been owned by the owner and located in Indiana;

on the owner's last preceding regular annual registration date.

Sec. 4. As used in this chapter, "mobile home" has the meaning set forth in IC 6-1.1-7-1.

Sec. 5. As used in this chapter, "owner" means:

(1) in the case of a recreational vehicle, the person in whose name the recreational vehicle is registered under IC 9-18; or

(2) in the case of a truck camper, the person holding title to the truck camper.

Sec. 6. As used in this chapter, "recreational vehicle" has the meaning set forth in IC 9-13-2-150(a).

Sec. 7. As used in this chapter, "trailer" has the meaning set forth in IC 6-6-5-1(h).

Sec. 8. As used in this chapter, "truck camper" means a device without motive power that is installed in the bed of a truck to provide living quarters for persons traveling on public highways.

Sec. 9. As used in this chapter, "vehicle" has the meaning set forth in IC 9-13-2-196(a).

Sec. 10. (a) Beginning January 1, 2010, there is imposed an annual license excise tax on recreational vehicles and truck campers. The excise tax is imposed instead of the ad valorem property tax levied for state or local purposes but in addition to any registration fees imposed on recreational vehicles.

(b) The tax imposed by this chapter is a listed tax and subject to IC 6-8.1.

(c) A recreational vehicle subject to this chapter may not be assessed as personal property for the purpose of the assessment and levy of personal property taxes after December 31, 2008, and is not subject to ad valorem taxes first due and payable after December 31, 2009, regardless of whether the recreational vehicle is registered under the state motor vehicle registration laws. A person may not be required to give proof of the payment of ad valorem taxes as a condition to the registration of a recreational vehicle subject to the tax imposed by this chapter.

(d) A truck camper subject to this chapter may not be assessed as personal property for the purpose of the assessment and levy of personal property taxes after December 31, 2008, and is not subject to ad valorem taxes first due and payable after December 31, 2009.

Sec. 11. As the basis for measuring the tax imposed by this chapter, the bureau shall determine the value of each recreational vehicle and truck camper as of the time it is first offered for sale in Indiana as a new recreational vehicle or truck camper. The bureau shall adopt rules under IC 4-22-2

for determining the value of recreational vehicles and truck campers by using:

(1) the factory advertised delivered price or the port of entry price; or

(2) any other information available.

Sec. 12. After determining the value of a recreational vehicle or truck camper under section 11 of this chapter, the bureau shall classify every recreational vehicle and truck camper in its proper class by value according to the following classification plan:

Class	I	less than \$2,250	
Class	II	at least \$ 2,250	but less than \$ 4,000
Class	III	at least \$ 4,000	but less than \$ 7,000
Class	IV	at least \$ 7,000	but less than \$ 10,000
Class	V	at least \$10,000	but less than \$ 15,000
Class	VI	at least \$15,000	but less than \$ 22,000
Class	VII	at least \$22,000	but less than \$ 30,000
Class	VIII	at least \$30,000	but less than \$ 42,500
Class	IX	at least \$42,500	but less than \$ 50,000
Class	X	at least \$50,000	but less than \$ 60,000
Class	XI	at least \$60,000	but less than \$ 70,000
Class	XII	at least \$70,000	but less than \$ 80,000
Class	XIII	at least \$80,000	but less than \$ 90,000
Class	XIV	at least \$90,000	but less than \$100,000
Class	XV	at least \$100,000	but less than \$150,000
Class	XVI	at least \$150,000	but less than \$200,000
Class	XVII	at least \$200,000	

Sec. 13. (a) Subject to any reductions permitted under this chapter, the amount of tax imposed under this chapter on a recreational vehicle or truck camper is prescribed by the schedule set out in subsection (c). The amount of tax imposed by this chapter is determined using:

(1) the classification of the recreational vehicle or truck camper under section 12 of this chapter; and

(2) the age of the recreational vehicle or truck camper.

(b) If a person who owns a recreational vehicle or truck camper is entitled to an ad valorem property tax assessed valuation deduction under IC 6-1.1-12-13, IC 6-1.1-12-14, IC 6-1.1-12-16, or IC 6-1.1-12-17.4 in a year in which a tax is imposed by this chapter and any part of the deduction is unused after allowance of the deduction on real property and personal property owned by the person, the person is entitled to a credit that reduces the annual tax imposed by this chapter. The amount of the credit is determined by multiplying the amount of the unused deduction by two (2) and dividing the result by one hundred (100). The county auditor shall, upon request, furnish a certified statement to the person verifying the credit allowable under this subsection. The statement shall be presented to and retained by the bureau to support the credit.

(c) The tax schedule for each class of recreational vehicles and truck campers is as follows:

Year of					
Manufacture	I	II	III	IV	V
1st	\$15	\$36	\$50	\$59	\$103
2nd	12	31	43	51	91
3rd	12	26	35	41	75
4th	12	20	28	38	62
5th	12	15	20	34	53
6th	12	12	15	26	41
7th	12	12	12	16	32
8th	12	12	12	13	21
9th	12	12	12	12	13
10th	12	12	12	12	12
and thereafter					

Year of			
Manufacture	VI	VII	VIII
1st	\$164	\$241	\$346
2nd	148	212	302
3rd	131	185	261

4th	110	161	223
5th	89	131	191
6th	68	108	155
7th	53	86	126
8th	36	71	97
9th	23	35	48
10th	12	12	17
and thereafter			

Year of				
Manufacture	IX	X	XI	XII
1st	\$470	\$667	\$879	\$1,045
2nd	412	572	763	907
3rd	360	507	658	782
4th	307	407	574	682
5th	253	341	489	581
6th	204	279	400	475
7th	163	224	317	377
8th	116	154	214	254
9th	55	70	104	123
10th	25	33	46	55

Year of					
Manufacture	XIII	XIV	XV	XVI	XVII
1st	\$1,235	\$1,425	\$1,615	\$1,805	\$2,375
2nd	1,072	1,236	1,401	1,566	2,060
3rd	924	1,066	1,208	1,350	1,777
4th	806	929	1,053	1,177	1,549
5th	687	793	898	1,004	1,321
6th	562	648	734	821	1,080
7th	445	514	582	651	856
8th	300	346	392	439	577
9th	146	168	190	213	280
10th	64	74	84	94	123

(d) Each recreational vehicle or truck camper shall be taxed as a recreational vehicle or truck camper in its first year of manufacture throughout the calendar year in which a recreational vehicle or truck camper of that make and model is first offered for sale in Indiana. However, a recreational vehicle or truck camper of a make and model first offered for sale in Indiana after August 1 of any year continues to be taxed as a recreational vehicle or truck camper in its first year of manufacture until the end of the calendar year following the year in which it is first offered for sale. Thereafter, the recreational vehicle or truck camper shall be considered to have aged one (1) year as of January 1 of each year.

Sec. 14. (a) Except as otherwise provided in this chapter, the tax imposed on a recreational vehicle by this chapter is payable for each registration year by the owner with respect to a recreational vehicle required to be registered for the registration year as provided in the state motor vehicle laws. Except as provided in section 15 of this chapter, the tax is due on or before the regular annual registration date in each year on or before which the owner is required under the state motor vehicle registration laws to register vehicles. The tax shall be paid to the bureau at the time the recreational vehicle is registered by the owner as provided in the state motor vehicle registration laws. A recreational vehicle subject to taxation under this chapter shall be registered by the owner as being taxable in the county of the owner's residence. The payment of the tax imposed by this chapter is a condition to the right to register or reregister the recreational vehicle and is in addition to all other conditions prescribed by law.

(b) The tax imposed on a truck camper by this chapter is due on or before the annual registration date in each year on or before which the owner is required under the state motor vehicle registration laws to register vehicles. The tax on the truck camper must be paid to the bureau. A truck camper

subject to taxation under this chapter is taxable in the county of the owner's residence.

(c) A voucher from the department of state revenue showing payment of the tax imposed by this chapter may be accepted by the bureau instead of a payment under subsection (a).

Sec. 15. (a) This section applies only to recreational vehicles.

(b) With respect to a recreational vehicle that has been acquired, has been brought into Indiana, or for any other reason becomes subject to registration after the regular annual registration date in the year on or before which the owner of the recreational vehicle is required under the state motor vehicle registration laws to register vehicles, the tax imposed by this chapter is due and payable at the time the recreational vehicle is acquired, is brought into Indiana, or otherwise becomes subject to registration. The amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the state motor vehicle registration laws for annual registration by the owner. The tax shall be paid at the time of the registration of the recreational vehicle.

(c) If a recreational vehicle is acquired, is brought into Indiana, or for any other reason becomes subject to registration after January 1 of any year, the owner may pay the applicable registration fee on the recreational vehicle as provided in the state motor vehicle registration laws and may pay any excise tax due on the recreational vehicle for the remainder of the annual registration year and simultaneously register the recreational vehicle and pay the applicable registration fee and the excise tax due for the next succeeding annual registration year.

(d) Except as provided in subsection (h), a reduction in the applicable annual excise tax may not be allowed to an Indiana resident applicant upon registration of a recreational vehicle that was owned by the applicant on or before the first day of the applicant's annual registration period. A recreational vehicle that is owned by an Indiana resident applicant and that was located in and registered for use in another state during the same calendar year is entitled to the same reduction when registered in Indiana.

(e) The owner of a recreational vehicle who sells the recreational vehicle in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

- (1) the tax paid for the recreational vehicle; minus
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the owner's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other recreational vehicle purchased or subsequently registered by the owner in the owner's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer three dollars (\$3) of the fee to the bureau of motor vehicles commission to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the recreational vehicle must present to the bureau proof of sale of the recreational vehicle.

(f) Subject to the requirements of subsection (g), if a recreational vehicle is destroyed in a year in which the owner has paid the tax imposed by this chapter and the recreational vehicle is not replaced by a replacement vehicle for which a credit is issued under this section, the owner is entitled to a

refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the owner's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.
- (3) The license plate from the recreational vehicle.
- (4) The registration from the recreational vehicle.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed recreational vehicle. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created under section 21 of this chapter for settlement of the excise tax collections. For purposes of this subsection, a recreational vehicle is considered destroyed if the cost of repair of damages suffered by the recreational vehicle exceeds the recreational vehicle's fair market value.

(g) To claim a refund under subsection (f) for a recreational vehicle that is destroyed, the owner of the recreational vehicle must present to the bureau a valid registration for the recreational vehicle within ninety (90) days after the date that the recreational vehicle is destroyed. The bureau shall then fix the amount of the refund that the owner is entitled to receive.

(h) If the name of the owner of a recreational vehicle is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner for the recreational vehicle shall be adjusted as follows:

(1) If the name change requires the owner to register sooner than the owner would have been required to register if there had been no name change, the owner is, at the time the name change is reported, entitled to a refund from the county treasurer in the amount of the product of:

- (A) ten percent (10%) of the owner's last preceding annual excise tax liability; multiplied by
- (B) the number of full calendar months beginning after the owner's new regular annual registration month and ending before the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change requires the owner to register later than the owner would have been required to register if there had been no name change, the recreational vehicle is subject to excise tax for the period beginning after the month in which the owner would have been required to register if there had been no name change and ending before the owner's new regular annual registration month in the amount of the product of:

- (A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register if there had been no name change; multiplied by
- (B) the number of full calendar months beginning after the month in which the owner would have been required to register if there had been no name change and ending before the owner's new regular annual registration month.

Sec. 16. (a) This section applies only to truck campers.

(b) With respect to a truck camper that has been acquired, has been brought into Indiana, or for any other reason becomes subject to taxation after the regular annual registration date in the year on or before which the owner of the truck camper is required under the state motor vehicle

registration laws to register vehicles, the tax imposed by this chapter is due and payable at the time the truck camper is acquired, is brought into Indiana, or otherwise becomes subject to taxation under this chapter. The amount of tax to be paid by the owner for the remainder of the year shall be reduced by ten percent (10%) for each full calendar month that has elapsed since the regular annual registration date in the year fixed by the state motor vehicle registration laws for annual registration by the owner. The tax shall be paid within thirty (30) days after the date on which the truck camper is acquired, is brought into Indiana, or otherwise becomes subject to taxation under this chapter.

(c) If a truck camper is acquired, is brought into Indiana, or for any other reason becomes subject to taxation under this chapter after January 1 of any year, the owner may pay any excise tax due on the truck camper for the remainder of the annual registration year and simultaneously pay the excise tax due for the next succeeding annual registration year.

(d) The owner of a truck camper who sells the truck camper in a year in which the owner has paid the tax imposed by this chapter shall receive a credit equal to the remainder of:

- (1) the tax paid for the truck camper; reduced by
- (2) ten percent (10%) for each full or partial calendar month that has elapsed in the owner's annual registration year before the date of the sale.

The credit shall be applied to the tax due on any other truck camper acquired by the owner in the owner's annual registration year. If the credit is not fully used and the amount of the credit remaining is at least four dollars (\$4), the owner is entitled to a refund in the amount of the unused credit. The owner must pay a fee of three dollars (\$3) to the bureau to cover the costs of providing the refund, which may be deducted from the refund. The bureau shall issue the refund. The bureau shall transfer three dollars (\$3) of the fee to the bureau of motor vehicles commission to cover the commission's costs in processing the refund. To claim the credit and refund provided by this subsection, the owner of the truck camper must present to the bureau proof of sale of the truck camper.

(e) Subject to the requirements of subsection (f), if a truck camper is destroyed in a year in which the owner has paid the tax imposed by this chapter and the truck camper is not replaced by a replacement truck camper for which a credit is issued under this section, the owner is entitled to a refund in an amount equal to ten percent (10%) of the tax paid for each full calendar month remaining in the owner's annual registration year after the date of destruction, but only upon presentation or return to the bureau of the following:

- (1) A request for refund on a form furnished by the bureau.
- (2) A statement of proof of destruction on an affidavit furnished by the bureau.

However, the refund may not exceed ninety percent (90%) of the tax paid on the destroyed truck camper. The amount shall be refunded by a warrant issued by the auditor of the county that received the excise tax revenue and shall be paid out of the special account created under section 21 of this chapter for settlement of the excise tax collections. For purposes of this subsection, a truck camper is considered destroyed if the cost of repair of damages suffered by the truck camper exceeds the truck camper's fair market value.

(f) To claim a refund under subsection (e) for a truck camper that is destroyed, the owner of the truck camper must present to the bureau a valid receipt for the excise tax paid under this chapter on the truck camper within ninety (90) days after the date that the truck camper is destroyed. The bureau shall then fix the amount of the refund that the owner is entitled to receive.

(g) If the name of the owner of a truck camper is legally changed and the change has caused a change in the owner's annual registration date, the excise tax liability of the owner for the truck camper shall be adjusted as follows:

(1) If the name change requires the owner to register a motor vehicle sooner than the owner would have been required to register if there had been no name change, the owner is, at the time the name change is reported, entitled to a refund from the county treasurer in the amount of the product of:

(A) ten percent (10%) of the owner's last preceding annual excise tax liability; multiplied by

(B) the number of full calendar months beginning after the owner's new regular annual registration month and ending before the next succeeding regular annual registration month that is based on the owner's former name.

(2) If the name change requires the owner to register a motor vehicle later than the owner would have been required to register if there had been no name change, the truck camper is subject to excise tax for the period beginning after the month in which the owner would have been required to register if there had been no name change and ending before the owner's new regular annual registration month in the amount of the product of:

(A) ten percent (10%) of the owner's excise tax liability computed as of the time the owner would have been required to register a motor vehicle if there had been no name change; multiplied by

(B) the number of full calendar months beginning after the month in which the owner would have been required to register a motor vehicle if there had been no name change and ending before the owner's new regular annual registration month.

Sec. 17. (a) This section applies only to recreational vehicles.

(b) The owner of a recreational vehicle registered with the bureau is entitled to a refund of taxes paid under this chapter if, after the owner's regular registration date, the owner:

(1) registers the recreational vehicle for use in another state; and

(2) pays tax for use of the recreational vehicle to another state for the same period for which the tax was paid under this chapter.

(c) The refund provided under subsection (b) is equal to:

(1) the annual license excise tax paid for use of the recreational vehicle by the owner of the vehicle for the year; minus

(2) ten percent (10%) of the annual license excise tax paid for use of the recreational vehicle for each full or partial calendar month beginning after the date the annual license excise tax was due and ending before the date the owner registered the recreational vehicle for use in another state.

(d) To claim the refund provided by this section, the owner of the recreational vehicle must provide the bureau with:

(1) a request for a refund on a form furnished by the bureau; and

(2) proof that a tax described in subsection (b)(2) was paid.

Sec. 18. (a) This section applies only to truck campers.

(b) The owner of a truck camper is entitled to a refund of taxes paid under this chapter if, after the owner's regular vehicle registration date:

(1) the owner moves and registers the truck on which the truck camper is installed for use in another state;

(2) the owner pays tax for use of the truck camper to another state for the same period for which the tax was paid under this chapter; and

(3) the truck camper is located and used in the other state for the same period for which the tax was paid under this chapter.

(c) The refund provided under subsection (b) is equal to:

(1) the annual excise tax paid for use of the truck camper by the owner of the truck camper for the year; minus

(2) ten percent (10%) of the annual excise tax paid for use of the truck camper for each full or partial calendar month beginning after the date the annual excise tax was due and ending before the date the owner registered the truck for use in another state.

Sec. 19. (a) To claim a credit or refund, or both, under this chapter, a person must provide a sworn statement to the bureau or to an agent branch of the bureau that the person is entitled to the credit or refund, or both, claimed by the person.

(b) The bureau may inspect records of a person claiming a credit or refund, or both, under this chapter to determine if a credit or refund, or both, were properly allowed against the excise tax imposed on a recreational vehicle or truck camper owned by the person.

(c) If the bureau determines that a credit or refund, or both, were improperly allowed for a recreational vehicle or truck camper, the person who claimed the credit or refund, or both, shall pay the bureau an amount equal to the credit or refund, or both, improperly allowed to the person plus a penalty of ten percent (10%) of the credit or refund, or both, improperly allowed. The tax collected under this subsection shall be paid to the county treasurer of the county in which the person resides. However, a penalty collected under this subsection shall be retained by the bureau.

Sec. 20. (a) The bureau shall include on all registration forms for recreational vehicles suitable spaces for the applicant's Social Security number or federal tax identification number, the amount of the registration fee, the amount of excise tax, the amount of a credit, if any, provided under section 13 of this chapter, and the total amount of payment due on account of the applicable registration fees and excise taxes upon the registration of the recreational vehicle. The forms must include spaces for showing the county, city or town, township, and address of the owner's residence.

(b) The bureau shall list on all registration forms for recreational vehicles the amount of registration fees and taxes due. In addition, the bureau shall prepare by December 1 of each year a schedule showing the excise tax payable on each make and model of recreational vehicle or truck camper.

Sec. 21. (a) The bureau, in the administration and collection of the tax imposed by this chapter, may use the services and facilities of license branches operated under IC 9-16 in the bureau's administration of the state motor vehicle registration laws. The license branches may be used in the manner and to the extent the bureau considers necessary and proper to implement and effectuate the administration and collection of the excise tax imposed by this chapter. However, if the bureau uses the license branches in the collection of excise taxes, the following apply:

(1) The excise taxes collected by each license branch, less any refunds made by the license branch, shall be deposited daily by the license branch in a separate account in a depository designated by the state board of finance. The county treasurer of the county for which the collections are due may withdraw funds from the account at least two (2) times each week. The county treasurer is responsible for the safekeeping and investment of money withdrawn by the county treasurer under this subdivision. Before the eleventh day of the month following the month in which the

collections are made, the bureau shall report the excise taxes collected and refunds made outside the county to the county treasurer of the county to which the collections are due and the refunds apply. The bureau shall forward a copy of the excise tax report to the county auditor of the county.

(2) A license branch shall each week forward a report to the county auditor of the county to which the collections are due, showing the excise tax collected by the license branch on each recreational vehicle or truck camper, each refund made by the license branch on a recreational vehicle or truck camper, and a copy of each registration certificate for all collections and refunds of excise tax by the license branch within the county.

(3) Each license branch shall report to the bureau all excise taxes collected and refunds made by the license branch under this chapter in the same manner and at the same time as registration fees are reported.

(4) Premiums for insurance to protect the funds collected by license branches against theft shall be paid by the bureau, except that the bureau may issue blanket coverage for all branches. The bureau may:

(A) self-insure to cover the activities of the license branches; or

(B) rather than purchase a bond or crime insurance policy for each branch, purchase a single blanket bond or crime insurance policy endorsed to include faithful performance to cover all branches.

(5) If the services of a license branch are used by the bureau in the collection of the excise tax imposed by this chapter, the license branch shall collect the service charge prescribed under IC 9-29 for each vehicle registered on which an excise tax is collected by that branch.

(6) If the excise tax imposed by this chapter is collected by the department of state revenue, the money collected shall be deposited in the state general fund to the credit of the appropriate county and reported to the bureau on the first working day following the week of collection. Except as provided in subdivision (7), money collected by the department that represents interest or a penalty shall be retained by the department and used to pay the department's costs of enforcing this chapter.

(7) This subdivision applies only to interest or a penalty collected by the department of state revenue from a person who:

(A) fails to properly register a recreational vehicle as required by IC 9-18 and pay the tax due under this chapter; and

(B) during any time after the date by which the recreational vehicle was required to be registered under IC 9-18 displays on the recreational vehicle a license plate issued by another state.

The total amount collected by the department of state revenue that represents interest or a penalty, minus a reasonable amount determined by the department to represent its administrative expenses, shall be deposited in the state general fund to the credit of the county in which the person resides. The amount shall be reported to the bureau on the first working day following the week of collection.

The bureau may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. However, if a bank card or credit card vendor charges a vendor transaction charge or discount fee, whether billed to the bureau or charged directly to the bureau's account, the bureau shall collect from a person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the bureau by bank card or credit

card vendors during the most recent collection period. The fee may be collected regardless of retail merchant agreements between the bank card and credit card vendors that may prohibit such a fee. The fee is a permitted additional charge under IC 24-4.5-3-202.

(b) On or before April 1 of each year, the bureau shall provide to the auditor of state the amount of taxes collected under this chapter for each county for the preceding year.

(c) On or before May 10 and November 10 of each year, the auditor of state shall distribute to each county one-half (½) of:

(1) the amount of delinquent taxes; and

(2) any interest or penalty described in subsection (a)(7);

that have been credited to the county under subsection (a). There is appropriated from the state general fund the amount necessary to make the distributions required by this subsection. The county auditor shall apportion and distribute the delinquent tax distributions to the taxing units in the county at the same time and in the same manner as excise taxes are apportioned and distributed under section 22 of this chapter.

(d) The insurance commissioner shall prescribe the form of the bonds or crime insurance policies required by this section.

Sec. 22. (a) The bureau shall establish procedures necessary for the collection and proper accounting of the tax imposed by this chapter. The necessary forms and records are subject to approval by the state board of accounts.

(b) The county treasurer, upon receiving the excise tax collections, shall place the collections into a separate account for settlement at the same time as property taxes are accounted for and settled in June and December of each year, with the right and duty of the county treasurer and county auditor to make advances before the time of final settlement of property taxes in the same manner as provided in IC 5-13-6-3.

(c) The county auditor shall determine the total amount of excise taxes collected under this chapter for each taxing unit in the county. The amount collected shall be apportioned and distributed among the respective funds of each taxing unit in the same manner and at the same time as property taxes are apportioned and distributed.

(d) The determination under subsection (c) shall be made from copies of vehicle registration forms and receipts for excise taxes paid on truck campers furnished by the bureau. Before the determination, the county assessor shall, from copies of registration forms and receipts, verify information pertaining to legal residence of persons owning taxable recreational vehicles and truck campers from the county assessor's records, to the extent the verification can be made. The county assessor shall further identify and verify from the assessor's records the taxing units within which the persons reside.

(e) Verifications under subsection (d) shall be completed not later than thirty (30) days after receipt of vehicle registration forms and receipts by the county assessor. The county assessor shall certify the information to the county auditor for the county auditor's use when the information is checked and completed.

Sec. 23. The county auditor shall, from the copies of vehicle registration forms and truck camper receipts furnished by the bureau, verify and determine the total amount of excise taxes collected under this chapter for each taxing unit in the county. The bureau shall verify the collections reported by the branches and provide the county auditor adequate and accurate audit information, registration form information, truck camper receipts, records, and materials to support the proper assessment, collection, and refund of excise taxes under this chapter.

Sec. 24. The county auditor shall, not later than August 1 of a year, furnish to the proper officer of each political subdivision an estimate of the money to be distributed to the taxing units under this chapter during the next calendar year. The budget of each political subdivision must show the estimated amounts to be received for each fund for which a property tax is proposed to be levied.

Sec. 25. (a) An owner of a recreational vehicle who knowingly registers the recreational vehicle without paying the tax required by this chapter commits a Class B misdemeanor.

(b) An employee of the bureau or a branch manager or employee of a license branch office who recklessly issues a registration on any recreational vehicle without collecting the tax required to be collected under this chapter with the registration commits a Class B misdemeanor.

Sec. 26. The registration of a recreational vehicle registered without payment of the tax imposed by this chapter is void. The bureau shall take possession of the registration certificate, license plate, and other evidence of registration until the owner pays the delinquent taxes and an additional fee of ten dollars (\$10) to compensate the bureau for performing the additional duties.

Sec. 27. In the administration and collection of the taxes imposed by this chapter, the bureau may contract with a collection agency that is authorized to collect and receive property taxes on behalf of the county treasurer. A collection agency with which the bureau contracts may collect on behalf of the bureau the taxes imposed by this chapter and the registration fees and charges as the bureau directs. A collection agency that contracts with the bureau under this section shall comply with the requirements concerning the collection of property taxes on behalf of county treasurers and other requirements, including the posting of a bond, as may be established by the bureau.

Sec. 28. (a) The tax imposed by this chapter is equal to an average property tax rate of two dollars (\$2) on each one hundred dollars (\$100) of taxable value.

(b) For purposes of limitations on indebtedness of political or municipal corporations imposed by Article 13, Section 1 of the Constitution of the State of Indiana, recreational vehicles and truck campers subject to the tax under this chapter are considered to be taxable property within each political or municipal corporation where the owner resides.

(c) The assessed valuation of recreational vehicles and truck campers subject to the tax under this chapter shall be determined by multiplying the amount of the tax by one hundred (100) and dividing the result by two dollars (\$2).

Sec. 29. In the administration and collection of the tax imposed by this chapter, the bureau may coordinate and consolidate the collection of the taxes imposed on all recreational vehicles and truck campers owned by a taxpayer following procedures the bureau considers reasonable and feasible, including the revocation of all registrations of recreational vehicles registered by the owner if the owner willfully fails and refuses to pay the tax imposed by this chapter. Upon a revocation of registration, the bureau shall notify the department of state revenue of the name and address of the taxpayer.

SECTION 3. IC 6-8.1-1-1, AS AMENDED BY P.L.233-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross

income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the municipal option income tax (IC 6-3.5-8); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); **the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1);** the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 4. IC 6-8.1-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) Except as otherwise provided in this section, the department may not issue a proposed assessment under section 1 of this chapter more than three (3) years after the latest of the date the return is filed, or any of the following:

- (1) the due date of the return; or
- (2) in the case of a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax, the end of the calendar year which contains the taxable period for which the return is filed.

(b) If a person files an adjusted gross income tax (IC 6-3), supplemental net income tax (IC 6-3-8) (repealed), county adjusted gross income tax (IC 6-3.5-1.1), county option income tax (IC 6-3.5-6), or financial institutions tax (IC 6-5.5) return that understates the person's income, as that term is defined in the particular income tax law, by at least twenty-five percent (25%), the proposed assessment limitation is six (6) years instead of the three (3) years provided in subsection (a).

(c) In the case of the motor vehicle excise tax (IC 6-6-5), the tax shall be assessed as provided in IC 6-6-5-5 and IC 6-6-5-6 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5 is considered to have failed to file a return for purposes of this article.

(d) In the case of the commercial vehicle excise tax imposed under IC 6-6-5.5, the tax shall be assessed as provided in IC 6-6-5.5 and shall include the penalties and interest due on all listed taxes not paid by the due date. A person that fails to properly register a commercial vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5.5 is considered to have failed to file a return for purposes of this article.

(e) In the case of the excise tax imposed on recreational vehicles and truck campers under IC 6-6-5.1, the tax shall be assessed as provided in IC 6-6-5.1 and must include the penalties and interest due on all listed taxes not paid by the due date. A person who fails to properly register a recreational vehicle as required by IC 9-18 and pay the tax due under IC 6-6-5.1 is considered to have failed to file a return for purposes of this article. A person who fails to pay the tax due under IC 6-6-5.1 on a truck camper is considered to have failed to file a return for purposes of this article.

(f) If a person files a fraudulent, unsigned, or substantially blank return, or if a person does not file a return, there is no time limit within which the department must issue its proposed assessment.

(g) If, before the end of the time within which the department may make an assessment, the department and the person agree to extend that assessment time period, the period may be extended according to the terms of a written agreement signed by both the department and the person. The agreement must contain:

- (1) the date to which the extension is made; and
- (2) a statement that the person agrees to preserve the person's records until the extension terminates.

The department and a person may agree to more than one (1) extension under this subsection.

(h) If a taxpayer's federal income tax liability for a taxable year is modified due to the assessment of a federal deficiency or the filing of an amended federal income tax return, then the date by which the department must issue a proposed assessment under section 1 of this chapter for tax imposed under IC 6-3 is extended to six (6) months after the date on which the notice of modification is filed with the department by the taxpayer.

SECTION 5. IC 6-8.1-7-1, AS AMENDED BY P.L.219-2007, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or
- (4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family resources, and to any director of a county office of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in

paying educational loans owed to a postsecondary educational institution may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved postsecondary educational institutions (as defined by IC 21-7-13-6(a)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

- (1) the state agency shows an official need for the information; and
- (2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(j) may be released solely for tax collection purposes to township assessors and county assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) All information relating to the delinquency or evasion of the excise taxes imposed on recreational vehicles and truck campers that are payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.1.

(m) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(n) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared

under IC 6-2.5-6-14.2.

SECTION 6. IC 6-8.1-9-1, AS AMENDED BY P.L.211-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) If a person has paid more tax than the person determines is legally due for a particular taxable period, the person may file a claim for a refund with the department. Except as provided in subsections (f) and (g), in order to obtain the refund, the person must file the claim with the department within three (3) years after the latter of the following:

- (1) The due date of the return.
- (2) The date of payment.

For purposes of this section, the due date for a return filed for the state gross retail or use tax, the gasoline tax, the special fuel tax, the motor carrier fuel tax, the oil inspection fee, or the petroleum severance tax is the end of the calendar year which contains the taxable period for which the return is filed. The claim must set forth the amount of the refund to which the person is entitled and the reasons that the person is entitled to the refund.

(b) When the department receives a claim for refund, the department shall consider the claim for refund and shall, if the taxpayer requests, hold a hearing on the claim for refund to obtain and consider additional evidence. After considering the claim and all evidence relevant to the claim, the department shall issue a decision on the claim, stating the part, if any, of the refund allowed and containing a statement of the reasons for any part of the refund that is denied. The department shall mail a copy of the decision to the person who filed the claim. If the department allows the full amount of the refund claim, a warrant for the payment of the claim is sufficient notice of the decision.

(c) If the person disagrees with any part of the department's decision, the person may appeal the decision, regardless of whether or not the person protested the tax payment or whether or not the person has accepted a refund. The person must file the appeal with the tax court. The tax court does not have jurisdiction to hear a refund appeal suit, if:

- (1) the appeal is filed more than three (3) years after the date the claim for refund was filed with the department;
- (2) the appeal is filed more than ninety (90) days after the date the department mails the decision of denial to the person; or
- (3) the appeal is filed both before the decision is issued and before the one hundred eighty-first day after the date the person files the claim for refund with the department.

(d) The tax court shall hear the appeal de novo and without a jury, and after the hearing may order or deny any part of the appealed refund. The court may assess the court costs in any manner that it feels is equitable. The court may enjoin the collection of any of the listed taxes under IC 33-26-6-2. The court may also allow a refund of taxes, interest, and penalties that have been paid to and collected by the department.

(e) With respect to the motor vehicle excise tax, this section applies only to penalties and interest paid on assessments of the motor vehicle excise tax. Any other overpayment of the motor vehicle excise tax is subject to IC 6-6-5.

(f) If a taxpayer's federal income tax liability for a taxable year is modified by the Internal Revenue Service, and the modification would result in a reduction of the tax legally due, the due date by which the taxpayer must file a claim for refund with the department is the later of:

- (1) the date determined under subsection (a); or
- (2) the date that is six (6) months after the date on which the taxpayer is notified of the modification by the Internal Revenue Service.

(g) If an agreement to extend the assessment time period is entered into under ~~IC 6-8.1-5-2(f)~~, **IC 6-8.1-5-2(g)**, the period during which a person may file a claim for a refund under subsection (a) is extended to the same date to which the assessment time period is extended.

SECTION 7. IC 6-8.1-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) If a person fails to file a return or to make a full tax payment with that return with the fraudulent intent of evading the tax, the person is subject to a penalty.

(b) The amount of the penalty imposed for a fraudulent failure described in subsection (a) is one hundred percent (100%) multiplied by:

- (1) the full amount of the tax, if the person failed to file a return; or
- (2) the amount of the tax that is not paid, if the person failed to pay the full amount of the tax.

(c) In addition to the civil penalty imposed under this section, a person who knowingly fails to file a return with the department or fails to pay the tax due under IC 6-6-5, **IC 6-6-5.1**, or IC 6-6-5.5 commits a Class A misdemeanor.

(d) The penalty imposed under this section is imposed in place of and not in addition to the penalty imposed under section 2.1 of this chapter.

SECTION 8. IC 9-14-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. The commissioner shall appoint and fix, subject to the approval of the governor, the salaries of the deputies, subordinate officers, clerks, and other employees necessary to carry out this title, IC 6-6-5, **IC 6-6-5.1**, IC 6-6-5.5, and IC 6-6-11.

SECTION 9. IC 9-17-2-1, AS AMENDED BY P.L.219-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.

(b) Within sixty (60) days ~~of~~ **after** becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; or
- (2) are off-road vehicles;

and that will be operated in Indiana.

(c) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(d) Within sixty (60) days after becoming an Indiana resident, a person must obtain a certificate of title for all recreational vehicles owned by the person that:

- (1) are subject to the excise tax imposed under IC 6-6-5.1; and**
- (2) will be operated in Indiana.**

~~(e)~~ (e) A person must produce evidence concerning the date on which the person became an Indiana resident.

SECTION 10. IC 9-18-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) Within sixty (60) days ~~of~~ **after** becoming an Indiana resident, a person must register all motor vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5; and
- (2) will be operated in Indiana.

(b) Within sixty (60) days after becoming an Indiana resident, a person must register all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) Within sixty (60) days after becoming an Indiana

resident, a person must register all recreational vehicles owned by the person that:

- (1) are subject to the excise tax imposed under IC 6-6-5.1; and
- (2) will be operated in Indiana.

~~(c)~~ (d) A person must produce evidence concerning the date on which the person became an Indiana resident.

~~(d)~~ (e) Except as provided in subsection ~~(c)~~; (f), an Indiana resident must register all motor vehicles operated in Indiana.

~~(e)~~ (f) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

~~(f)~~ (g) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

- (1) the Indiana resident is:
 - (A) an active member of the armed forces of the United States; and
 - (B) assigned to a duty station outside Indiana; and
- (2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

~~(g)~~ (h) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection ~~(f)~~; (g), the Indiana resident may submit an affidavit that:

- (1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection ~~(e)~~; (g); and
- (2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection ~~(f)~~; (g). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

SECTION 11. [EFFECTIVE JANUARY 1, 2009] (a) The definitions in IC 6-6-5.1, as added by this act, apply throughout this SECTION.

(b) IC 6-6-5.1, as added by this act, applies to recreational vehicles registered and truck campers located in Indiana after December 31, 2009.

(c) After December 31, 2008, a recreational vehicle or truck camper, except for a recreational vehicle or truck camper held in the inventory of recreational vehicles and truck campers held for sale by a manufacturer, distributor, or dealer in the course of business, may not be assessed as personal property for the purpose of the assessment and levy of personal property taxes.

(d) This SECTION expires January 1, 2011.

SECTION 12. [EFFECTIVE JANUARY 1, 2009] (a) The definitions in IC 6-6-5.1, as added by this act, apply throughout this SECTION.

(b) The bureau shall certify to the department of local government finance the amount of excise tax collected under IC 6-6-5.1, as added by this act, and distributed to each county auditor in calendar year 2010.

(c) Each county auditor shall certify to the department of local government finance the amount of excise tax collected under IC 6-6-5.1, as added by this act, and distributed to each taxing unit in the county in calendar year 2010.

(d) This SECTION expires January 1, 2012.

SECTION 13. [EFFECTIVE JANUARY 1, 2009] (a) For

property taxes due and payable in calendar year 2010, the department of local government finance shall make a reduction in the maximum permissible ad valorem property tax levy for each taxing unit to account for the removal of assessed value under IC 6-6-5.1, as added by this act.

(b) For property taxes due and payable in calendar year 2011, a taxing unit may petition the department of local government finance to adjust the taxing unit's maximum permissible ad valorem property tax levy to neutralize the effects of:

- (1) the removal of assessed value under IC 6-6-5.1, as added by this act; and

- (2) the amount of excise taxes collected under IC 6-6-5.1, as added by this act, in calendar year 2010.

An adjustment made under this subsection applies to all subsequent calendar years.

(c) This SECTION expires January 1, 2012."

Renumber all SECTIONS consecutively.

(Reference is to HB 1125 as printed on January 17, 2008.)

GOODIN

Motion prevailed.

HOUSE MOTION (Amendment 1125-4)

Mr. Speaker: I move that House Bill 1125 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "eligible district" means a fire protection district established under IC 36-8-11:

- (1) that expanded its territory after 1998; and

- (2) for which the quotient of:

(A) the taxable assessed value of all tangible property in the district for the assessment date (as defined in IC 6-1.1-1-2) in 2004; divided by

(B) subject to subsection (b), the taxable assessed value of all tangible property in the district for the assessment date (as defined in IC 6-1.1-1-2) in 1999; is at least one and one-half (1.5).

(b) To account for the change in the definition of "assessed value" reflected in IC 6-1.1-1-3(a)(1) and IC 6-1.1-1-3(a)(2), the taxable assessed value to be used for purposes of subsection (a)(2)(B) is the product of:

- (1) the actual taxable assessed value; multiplied by
- (2) three (3).

(c) An eligible district may, before December 31, 2008, appeal to the department of local government finance for relief from the levy limitations imposed by IC 6-1.1-18.5 for property taxes first due and payable in 2009. In the appeal, the district must:

- (1) state that the district will be unable to carry out the governmental functions committed to the district by law unless the appeal is approved; and
- (2) present evidence that the district is an eligible district.

(d) The maximum increase in an eligible district's levy allowed under this SECTION is two hundred twenty-five thousand dollars (\$225,000).

(e) The department of local government finance shall process the appeal in the same manner that the department processes appeals under IC 6-1.1-18.5-12.

(f) For purposes of computing an eligible district's ad valorem property tax levy for taxes first due and payable in 2010, the district's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2009 under STEP ONE of IC 6-1.1-18.5-3(a) or STEP ONE of IC 6-1.1-18.5-3(b) includes the amount of any increase in the district's levy approved under this SECTION for property taxes first due and payable in 2009.

(g) This SECTION expires January 1, 2011."

Renummer all SECTIONS consecutively.

(Reference is to HB 1125 as printed January 17, 2008.)

GOODIN

Representative Goodin withdrew the motion.

HOUSE MOTION
(Amendment 1125-1)

Mr. Speaker: I move that House Bill 1125 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3-1-3.5, AS AMENDED BY P.L.144-2007, SECTION 3, AS AMENDED BY P.L.211-2007, SECTION 19, AND AS AMENDED BY P.L.223-2007, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract:

(A) for taxable years beginning before January 1, 2009, one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000);

(B) for taxable years beginning after December 31, 2008, and beginning before January 1, 2010, two thousand dollars (\$2,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse two thousand dollars (\$2,000); and

(C) for taxable years beginning after December 31, 2009, four thousand dollars (\$4,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse four thousand dollars (\$4,000).

(4) Subtract:

(A) for taxable years beginning before January 1, 2009, one thousand dollars (\$1,000) for:

~~(A)~~ **(i)** each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

~~(B)~~ **(ii)** each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

~~(C)~~ **(iii)** the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer; or

(B) for taxable years beginning after December 31, 2008, and beginning before January 1, 2010, two thousand dollars (\$2,000) for:

(i) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(ii) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(iii) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer; or

(C) for taxable years beginning after December 31, 2009, four thousand dollars (\$4,000) for:

(i) each of the exemptions provided by Section

151(c) of the Internal Revenue Code;

(ii) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
(iii) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) for taxable years beginning after December 31, 2004, and beginning before January 1, 2009, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code (as effective January 1, 2004); and

(B) for taxable years beginning after December 31, 2008, and beginning before January 1, 2010, three thousand dollars (\$3,000) for each of the exemptions allowed under Section 151(c) of the Internal Revenue Code that is for a qualifying child (as defined in Section 152(c) of the Internal Revenue Code);

(C) for taxable years beginning after December 31, 2009, six thousand dollars (\$6,000) for each of the exemptions allowed under Section 151(c) of the Internal Revenue Code that is for a qualifying child (as defined in Section 152(c) of the Internal Revenue Code);

~~(B)~~ **(D) for taxable years beginning before January 1, 2009**, five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000);

(E) for taxable years beginning after December 31, 2008, and beginning before January 1, 2010, one thousand dollars (\$1,000) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000); and

(F) for taxable years beginning after December 31, 2009, two thousand dollars (\$2,000) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars (\$2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(c)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross

income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

(i) including any part of 2004, the amount determined under subsection (f); and

(ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code

in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(23) *Subtract an amount equal to the amount of the taxpayer's qualified military income that was not excluded from the taxpayer's gross income for federal income tax purposes under Section 112 of the Internal Revenue Code.*

~~(23)~~ (24) *Subtract income that is:*

(A) *exempt from taxation under IC 6-3-2-21.7; and*

(B) *included in the individual's federal adjusted gross income under the Internal Revenue Code.*

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(10) *Add an amount equal to any deduction for dividends paid (as defined in Section 561 of the Internal Revenue Code) to shareholders of a captive real estate investment trust (as defined in section 34.5 of this chapter).*

~~(10)~~ (11) *Subtract income that is:*

(A) *exempt from taxation under IC 6-3-2-21.7; and*

(B) included in the corporation's taxable income under the Internal Revenue Code.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.
- (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.
- (4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.
- (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
- (6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.
- (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (9) *Subtract income that is:*
 - (A) *exempt from taxation under IC 6-3-2-21.7; and*
 - (B) *included in the insurance company's taxable income under the Internal Revenue Code.*

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.
- (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.
- (4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.
- (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section

168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) *Subtract income that is:*

- (A) *exempt from taxation under IC 6-3-2-21.7; and*
- (B) *included in the insurance company's taxable income under the Internal Revenue Code.*

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.
- (3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
- (4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
- (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- (6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (7) *Subtract income that is:*
 - (A) *exempt from taxation under IC 6-3-2-21.7; and*
 - (B) *included in the taxpayer's taxable income under the Internal Revenue Code.*

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the

following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500)."

Page 2, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JANUARY 1, 2009] IC 6-3-1-3.5, as amended by this act, applies only to taxable years beginning after December 31, 2008."

Renumber all SECTIONS consecutively.

(Reference is to HB 1125 as printed January 17, 2008.)

T. BROWN

Representative Crawford rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1146

Representative GiaQuinta called down House Bill 1146 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1146-1)

Mr. Speaker: I move that House Bill 1146 be amended to read as follows:

Page 1, after line 12, insert the following:

"SECTION 2. IC 34-55-10-2, AS AMENDED BY P.L.179-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) This section does not apply to judgments obtained before October 1, 1977.

(b) The amount of each exemption under subsection (c) applies until a rule is adopted by the department of financial institutions under section 2.5 of this chapter.

(c) The following property of a debtor domiciled in Indiana is exempt:

(1) Real estate or personal property constituting the personal or family residence of the debtor or a dependent of the debtor, or estates or rights in that real estate or personal property, of not more than fifteen thousand dollars (\$15,000). The exemption under this subdivision is individually available to joint debtors concerning property held by them as tenants by the entireties.

(2) Other real estate or tangible personal property of eight thousand dollars (\$8,000).

(3) Intangible personal property, including choses in action, deposit accounts, and cash (but excluding debts owing and income owing), of three hundred dollars (\$300).

(4) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(5) Any interest that the debtor has in real estate held as a tenant by the entireties. The exemption under this subdivision does not apply to a debt for which the debtor and the debtor's spouse are jointly liable.

(6) An interest, whether vested or not, that the debtor has in a retirement plan or fund to the extent of:

(A) contributions, or portions of contributions, that were

made to the retirement plan or fund by or on behalf of the debtor or the debtor's spouse:

(i) which were not subject to federal income taxation to the debtor at the time of the contribution; or

(ii) which are made to an individual retirement account in the manner prescribed by Section 408A of the Internal Revenue Code of 1986;

(B) earnings on contributions made under clause (A) that are not subject to federal income taxation at the time of the levy; and

(C) roll-overs of contributions made under clause (A) that are not subject to federal income taxation at the time of the levy.

(7) Money that is in a medical care savings account established under IC 6-8-11.

(8) Money that is in a health savings account established under Section 223 of the Internal Revenue Code of 1986.

~~(8)~~ (9) Any interest the debtor has in a qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code of 1986, but only to the extent funds in the program are not attributable to:

(A) excess contributions, as described in Section 529(b)(6) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars (\$5,000) of aggregate contributions made by the debtor for all programs under this subdivision and education savings accounts under subdivision (9) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the aggregate contributions.

~~(9)~~ (10) Any interest the debtor has in an education savings account, as defined in Section 530(b) of the Internal Revenue Code of 1986, but only to the extent funds in the account are not attributable to:

(A) excess contributions, as described in Section 4973(e) of the Internal Revenue Code of 1986, and earnings on the excess contributions;

(B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or

(C) the excess over five thousand dollars (\$5,000) of aggregate contributions made by the debtor for all accounts under this subdivision and qualified tuition programs under subdivision (8) having the same designated beneficiary:

(i) not later than one (1) year before; and

(ii) not earlier than two (2) years before;

the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the excess contributions.

~~(10)~~ (11) The debtor's interest in a refund or a credit received or to be received under section 32 of the Internal Revenue Code of 1986.

(d) A bankruptcy proceeding that results in the ownership by the bankruptcy estate of a debtor's interest in property held in a tenancy by the entireties does not result in a severance of the tenancy by the entireties.

(e) Real estate or personal property upon which a debtor has voluntarily granted a lien is not, to the extent of the balance due

on the debt secured by the lien:

- (1) subject to this chapter; or
- (2) exempt from levy or sale on execution or any other final process from a court."

(Reference is to HB 1146 as printed January 17, 2008.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1197

Representative Pierce called down House Bill 1197 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1197-1)

Mr. Speaker: I move that House Bill 1197 be amended to read as follows:

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 4. IC 24-4.9-2-10, AS ADDED BY P.L.125-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. "Personal information" means:

- (1) a Social Security number that is not encrypted or redacted; or
- (2) an individual's first and last names, or first initial and last name, and one (1) or more of the following data elements that are not encrypted or redacted:
 - (A) A driver's license number.
 - (B) A state identification card number.
 - (C) A credit card number.
 - (D) A financial account number or debit card number in combination with a security code, password, **expiration date**, or access code that would permit access to the person's account.

The term does not include information that is lawfully obtained from publicly available information or from federal, state, or local government records lawfully made available to the general public."

Renumber all SECTIONS consecutively.

(Reference is to HB 1197 as printed January 17, 2008.)

BEHNING

Motion prevailed. The bill was ordered engrossed.

House Bill 1227

Representative E. Harris called down House Bill 1227 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1227-1)

Mr. Speaker: I move that House Bill 1227 be amended to read as follows:

Page 2, line 25, after "member" insert ", **preferably from a visitor and tourism business**,".

Page 2, line 25, delete "who" and insert ".".

Page 2, delete lines 26 through 27.

(Reference is to HB 1227 as printed January 22, 2008.)

SOLIDAY

Motion prevailed. The bill was ordered engrossed.

House Bill 1250

Representative Klinker called down House Bill 1250 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Resolution 7

Representative Frizzell introduced House Resolution 7:

A HOUSE RESOLUTION to honor Sally Perkins on the

occasion of her election as President of the National Board of Directors of the Classic Car Club of America.

Whereas, The Classic Car Club of America, Inc., (CCCA) was founded in 1952 to promote the restoration, preservation, maintenance and enjoyment of the world's finest automobiles produced between 1925 and 1948;

Whereas, CCCA has more than 5600 members located in 28 geographic regions encompassing the entire United States and several foreign countries;

Whereas, CCCA is governed by a 15 member National Board of Directors whose members are elected to serve 3 year terms;

Whereas, Membership on the National Board is often reserved for those who exhibit the finest knowledge, skill and expertise in automobile collecting at its highest level;

Whereas, Sally Perkins has been involved with CCCA for approximately 15 years;

Whereas, Sally and her husband, Gene, have a collection of Full Classic automobiles that is considered one of the finest private collections in the Midwest;

Whereas, Sally was appointed to the National Board in 2004 to fill a vacancy caused by a resignation, but won re-election to the Board in 2006 to serve a term which will expire on December 31, 2009;

Whereas, Sally has served as Vice President of Regions and has been instrumental in increasing club revenue through the sale of advertising beyond what had ever been done before; and

Whereas, Sally is the first woman to be elected President of the National Board of CCCA in its 56 year history;

Whereas, CCCA will be well served by Sally's leadership for 2008 and 2009: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. The House of Representatives hereby congratulates Sally Perkins on her election as President of the National Board of Directors of the Classic Car Club of America, Inc.

SECTION 2. The Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sally Perkins and her family.

The resolution was read a first time and adopted by voice vote.

House Resolution 8

Representative C. Brown introduced House Resolution 8:

A HOUSE RESOLUTION to congratulate Robert Rockne and Shireley Ann Thomas on their fiftieth wedding anniversary.

Whereas, Robert Rockne Thomas met Shirley Ann Parker in 1957 while they were both attending Tennessee State University in Nashville, Tennessee;

Whereas, Rockne and Shirley eloped to Clarksville, Tennessee, on January 25, 1958;

Whereas, These two blessed souls were united in Holy Matrimony but kept it a secret until the following May so that Shirley could complete her reign as "Miss Charm of Tennessee State University;"

Whereas, In December of 1959, they completed work on their undergraduate degrees and immediately began working on their graduate degrees;

Whereas, Their blessed union in matrimony produced a beautiful and loving daughter Terrie, and when Terrie married Roland Nolen in 1990, Rockne and Shirley gained a son;

Whereas, Rockne quickly worked his way into school administration, eventually becoming a principal in the Gary

Community School Corporation, retiring in 1992 while also serving on the Gary Police Commission from 1980 to 2000;

Whereas, Shirley enjoyed the classroom as well, teaching and serving in staff development as well until retiring in 1999; and

Whereas, The graceful youthfulness of mind and spirit in these two lovebirds is a sight to behold: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana General Assembly congratulates Robert Rockne and Shirley Ann Thomas on their fiftieth wedding anniversary.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Robert Rockne and Shirley Ann Thomas.

The resolution was read a first time and adopted by voice vote.

The Speaker Pro Tempore yielded the gavel to the Speaker.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1026

Representative Cheatham called down Engrossed House Bill 1026 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning funerals and cemeteries and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Bosma was excused from voting, pursuant to House Rule 46. Roll Call 33: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Mishler, and Lewis.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

Engrossed House Bill 1046

Representative Bischoff called down Engrossed House Bill 1046 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 34: yeas 89, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman, R. Young, Lewis, and Walker.

Engrossed House Bill 1060

Representative Pelath called down Engrossed House Bill 1060 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 35: yeas 83, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Tallian.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1115

Representative Grubb called down Engrossed House Bill 1115 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 36: yeas 89, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Alting, Skinner, and Hershman.

Engrossed House Bill 1121

Representative Bischoff called down Engrossed House Bill 1121 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 37: yeas 81, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman, R. Young, Lewis, and Walker.

Engrossed House Bill 1185

Representative L. Lawson called down Engrossed House Bill 1185 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. After discussion, Representative L. Lawson withdrew the call of Engrossed House Bill 1185.

Engrossed House Bill 1202

Representative Stilwell called down Engrossed House Bill 1202 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 38: yeas 88, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt and R. Young.

Engrossed House Bill 1232

Representative Hoy called down Engrossed House Bill 1232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 39: yeas 86, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

Engrossed House Bill 1243

Representative Blanton called down Engrossed House Bill 1243 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 40: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Rogers.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1013, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 17, nays 4.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1017, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

ORENTLICHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert the following:

"SECTION 3. IC 12-7-2-142.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 142.7. "Postnatal donation", for purposes of IC 12-31, has the meaning set forth in IC 12-31-1-2.**"

Page 1, line 15, delete "enters into a memorandum" and insert **"is formed by"**.

Page 1, line 16, delete "of understanding with".

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"Sec. 2. As used in this article, "postnatal donation" means any of the following donations by a patient to the public umbilical cord blood bank:

(1) Postnatal fluid, including umbilical cord blood.

(2) Postnatal tissue, including the placenta and tissue extracted from an umbilical cord."

Page 2, line 2, delete "2." insert **"3. (a)"**.

Page 2, line 2, delete "enter into a" and insert **"form"**.

Page 2, line 3, delete "memorandum of understanding with".

Page 2, between line 6 and 7, begin a new paragraph and insert the following:

"(b) The office of the secretary shall adopt rules under IC 4-22-2 concerning the protection of individual identifiable health information regarding the operation of the public umbilical cord blood bank."

Page 2, line 7, delete "3." and insert **"4."**.

Page 2, line 34, delete "purchasing umbilical cord blood or a placenta" and insert **"receiving a postnatal donation"**.

Page 2, line 39, after "bank." insert **"The person shall follow the federal Food and Drug Administration's current good tissue practices."**

Page 2, between lines 39 and 40, begin a new paragraph and insert:

"(e) Subject to approval by the budget agency, the board of directors may, without the approval of the attorney general, employ legal counsel, technical experts, and other officers, agents, and employees that the board of directors considers necessary to carry out the efficient operation of a public umbilical cord blood bank.

(f) The board of directors shall determine the terms and conditions of the participating agreement that is executed with each participating hospital."

Page 2, line 40, delete "4." and insert **"5."**.

Page 2, line 41, delete "and" and insert **","**.

Page 2, line 42, delete "umbilical cord blood" and insert **"," and receiving postnatal"**.

Page 3, line 2, delete "umbilical" and insert **" postnatal"**.

Page 3, line 3, delete "cord blood".

Page 3, line 4, delete "forms" and insert **"procedures"**.

Page 3, line 5, delete "." and insert **"that are approved by an independent institutional review board selected by the board of directors."**

Page 3, line 6, delete "5." and insert **"6."**.

Page 3, line 7, delete "umbilical cord blood" and insert **"postnatal"**.

Page 3, line 9, delete "umbilical cord blood" and insert **"postnatal"**.

Page 3, line 12, delete "umbilical cord blood" and insert **"postnatal"**.

Page 3, line 16, delete "umbilical cord blood" and insert **"postnatal"**.

Page 3, line 19, delete "umbilical cord blood donations to the public umbilical" and insert **"postnatal donations donated that are"**.

Page 3, line 20, delete "cord blood bank".

Page 3, line 21, after "Program" add **"or other federal Food and Drug Administration approved protocol"**.

Page 3, line 23, delete "Umbilical cord blood donations" and insert **"Postnatal donations that are donated"**.

Page 3, between lines 25 and 26, begin a new paragraph and insert:

"(e) The nonprofit corporation shall acquire and maintain adequate liability insurance coverage."

Page 3, line 26, delete "6." and insert **"7."**.

Page 3, line 27, delete "donations of tissue extracted from an umbilical cord and placenta" and insert **"the postnatal donations"**.

Page 3, line 29, delete "tissue" and insert **"donations"**.

Page 3, line 30, after "bank" insert **"that are of transplantable quality or suitable for research"**.

Page 3, line 33, delete "7." and insert **"8."**.

Page 3, line 34, delete "umbilical cord blood or postnatal tissue." and insert **"postnatal donations."**.

Page 3, line 35, delete "8." and insert **"9."**.

Page 3, line 39, delete "collections" and insert **"postnatal donations"**.

Page 3, line 40, delete "collections" and insert **"postnatal donations"**.

Page 4, line 6, delete "donate umbilical cord blood." and insert **"make a postnatal donation."**.

Page 4, line 8, delete "umbilical cord blood." and insert **"postnatal tissue and postnatal fluids."**.

Page 4, line 17, delete "donate umbilical cord blood" and insert **"make a postnatal donation"**.

Page 4, lines 19, delete "the difference between public and" and insert **"the benefits of public"**.

Page 4, line 20, delete "private".

Page 4, line 22, after "Program" add **"or other federal Food and Drug Administration approved protocol"**.

Page 4, line 30, delete "umbilical" and insert **"postnatal tissue and postnatal fluid"**.

Page 4, line 31, delete "cord blood".

Page 4, line 33, delete "umbilical cord blood" and insert **"postnatal tissue and postnatal fluid"**.

Page 4, line 39, delete "Hospitals." and insert **"Participating hospitals."**.

Page 4, after line 42, begin a new line double block indented and insert:

"(F) Nurse midwives licensed under IC 25-23-1-13.1."

Page 5, delete lines 1 through 6, begin a new paragraph and insert:

"Sec. 5. The nonprofit corporation shall develop a process for physicians, nurse midwives, and participating hospitals to inform eligible candidates of the opportunity to make postnatal donations to the public umbilical cord blood bank following delivery of a newborn infant."

Page 5, line 13, delete "any claim of intellectual property derived from an" and insert **"to the public umbilical cord blood bank any property right related to the postnatal donation, including any claim of intellectual property rights derived from the postnatal donation."**

Page 5, delete lines 14 through 18, begin a new paragraph and insert:

"(b) The entire right, title, and interest in and to any intellectual property derived from a postnatal donation transfers with the postnatal tissue and postnatal fluid after the postnatal donation is allocated by the public umbilical cord blood bank for research purposes."

SECTION 4. IC 16-18-2-36.5, AS ADDED BY P.L.96-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 36.5. (a) "Birthing center", for purposes of IC 16-21-2 and IC 16-21-7.5, means a freestanding entity that has the sole purpose of delivering a normal or uncomplicated pregnancy.

(b) The term does not include a hospital that is licensed as a hospital under IC 16-21-2."

Page 5, line 22, after "Hospital" insert **"and Birthing Center"**.

Page 5, between lines 23 and 24, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "postnatal donation" has the meaning set forth in IC 12-31-1-2."

Sec. 2. Before a hospital or birthing center participates in collecting donations for the public umbilical cord blood bank, the hospital or birthing center shall enter into a written agreement with the public umbilical cord blood bank establishing the:

(1) conditions of the hospital's or birthing center's participation; and

(2) obligations of the hospital or birthing center; in the umbilical cord donation initiative."

Page 5, line 24, delete "1." and insert "3."

Page 5, line 24, delete "2" and insert "4."

Page 5, line 25, after "hospital" insert **"or birthing center"**.

Page 5, line 26, after "hospital" insert **"or birthing center"**.

Page 5, line 27, delete "donating the umbilical cord blood" and insert **"making a postnatal donation"**.

Page 5, line 32, delete "2." and insert "4."

Page 5, line 32, before "hospital" insert **"participating"**.

Page 5, line 32, after "hospital" insert **"or birthing center"**.

Page 5, line 32, delete "umbilical cord" and insert **"postnatal donation"**.

Page 5, line 33, delete "blood".

Page 5, line 35, delete "," and insert **"or a nurse midwife licensed under IC 25-23-1-13.1."**

Page 5, line 37, before "hospital" insert **"participating"**.

Page 5, line 37, after "hospital" insert **"or birthing center"**.

Page 5, line 40, after "hospital" insert **"or birthing center"**.

Page 5, line 41, delete "an umbilical cord blood" and insert **"a postnatal"**.

Page 6, line 1, delete "3." and insert **"5."**

Page 6, line 1, before "hospital" insert **"participating"**.

Page 6, line 1, after "hospital" insert **"or birthing center"**.

Page 6, line 3, delete "umbilical cord blood" insert **"postnatal"**.

Page 6, after line 3, begin a new paragraph and insert:

"Sec. 6. A hospital or birthing center is not required to enter into an agreement with the public umbilical cord blood bank and may enter into contracts concerning postnatal tissue and postnatal fluids with any person."

SECTION 5. [EFFECTIVE JULY 1, 2008] (a) The office of the secretary of family and social services shall immediately begin the adoption of the rules required under IC 12-31-1-3, as added by this act, and adopt the final rules before March 1, 2009.

(b) This SECTION expires July 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to HB 1020 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1036, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 17, begin a new paragraph and insert:

"SECTION 2. IC 9-25-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 10. Previously Uninsured Motorist Registry

Sec. 1. As used in this chapter, "conviction" refers to a conviction for operating a motor vehicle without financial responsibility in violation of IC 9-25.

Sec. 2. As used in this chapter, "previously uninsured motorist" refers to a person:

(1) against whom a judgment is entered for; or

(2) who is convicted of;

operating a motor vehicle without financial responsibility in violation of IC 9-25 after June 30, 2008.

Sec. 3. As used in this chapter, "registry" refers to the electronic registry of previously uninsured motorist established under section 4 of this chapter.

Sec. 4. The bureau shall establish an electronic registry of previously uninsured motorists to facilitate the random and periodic verification by the bureau of compliance with IC 9-25.

Sec. 5. The bureau shall adopt rules under IC 4-22-2 to implement this chapter. Rules adopted under this section must do the following:

(1) Establish the method of random selection of names of previously uninsured motorists from the registry.

(2) Establish the methods by which the bureau may request evidence of financial responsibility from a previously uninsured motorist whose name was randomly selected from the registry.

(3) Establish the methods by which a previously uninsured motorist may respond to the bureau's request for evidence of financial responsibility.

(4) Establish a schedule for the entry, updating, and timely removal of names on or from the registry.

Sec. 6. The failure by a previously uninsured motorist to respond to the bureau's request for verification of financial responsibility under this chapter constitutes prima facie evidence of operating a motor vehicle without financial responsibility in violation of IC 9-25.

Sec. 7. (a) The bureau shall remove the name of a previously uninsured motorist from the registry not more than five (5) years after the date on which the conviction for which the motorist's name is maintained on the registry was entered against the motorist.

(b) If a previously uninsured motorist is convicted of a second or subsequent offense under IC 9-25, the bureau shall remove the motorist's name from the registry not more than five (5) years after the date on which the second or subsequent conviction is entered."

Delete page 2.

Page 3, delete lines 1 through 18.

Page 4, delete lines 32 through 42.

Delete page 5.

Re-number all SECTIONS consecutively.

(Reference is to HB 1036 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1042, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"Sec. 2. After receiving a registration described in section 1 of this chapter, the secretary of state shall notify:

(1) the county executive; and

(2) all local zoning boards;

located in the county in which a entity described in section 1 of this chapter intends to sell sexually explicit materials, products, or services of the registration filed under section 1 of this chapter."

Page 2, line 15, delete "include" and insert **"include:**

(1)".

Page 2, delete line 16 and insert **"devices; or**

(2) services, programs, products, or materials provided by a communications service provider (as defined in IC 8-1-32.6-3)."

Page 2, line 22, delete "recklessly" and insert **"knowingly or intentionally"**.

(Reference is to HB 1042 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 1.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1051, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1055, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, after "4." insert **"(a)".**

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"(b) The term does not include the following:

(1) Accident only, credit, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

(6) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(7) Worker's compensation or similar insurance.

(8) A student health plan.

(9) A supplemental plan that always pays in addition to other coverage.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy."

Page 2, delete lines 23 through 24, begin a new paragraph and insert:

"(c) This section does not require:

(1) coverage for benefits not covered under the terms of the policy; or

(2) payment to a provider that is not eligible for a benefit payment under the terms of the policy."

Page 4, delete lines 20 through 22, begin a new paragraph and insert:

"(c) This section does not require:

(1) coverage for benefits not covered under the terms of the individual contract or group contract; or

(2) payment to a nonparticipating provider that is not eligible for a benefit payment under the terms of the individual contract or group contract."

(Reference is to HB 1055 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 28, delete "JULY 1, 2008]" and insert "UPON PASSAGE]:".

Page 3, line 35, strike "are" and insert "**have been**".

Page 3, line 37, strike "is" and insert "**has been**".

Page 3, line 38, delete "made;" and insert "made.".

Page 3, line 38, after "made." insert "**It is immaterial whether the final order was issued before, on, or after the date in subsection (a)(1) or (a)(2);**".

(Reference is to HB 1065 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

NIEZGODSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1083, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "site" and insert "**sites**".

Page 1, line 5, delete "Port" and insert "**Ports**".

Page 1, line 6, delete "an".

Page 1, line 6, delete "zone." and insert "**zones.**".

Page 1, line 10, delete "SECTIONI" and insert "**SECTION**".

(Reference is to HB 1083 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 2.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1097, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 26, after "IC 27-8-5-1)." insert "**However, the term does not include a policy of accident and sickness insurance excluded under IC 27-8-5-2.5(a).**".

(Reference is to HB 1097 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1101, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as

follows:

Page 2, line 4, delete "five thousand" and insert "**three hundred fifty**".

Page 2, line 5, delete "(5,000)" and insert "**(350)**".

(Reference is to HB 1101 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 4.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1107, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 3.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 33, reset in roman "and".

Page 2, line 35, delete "; and" and insert ".".

Page 2, delete lines 36 through 38.

(Reference is to HB 1111 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning motor vehicles.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2008] (a) **As used in this SECTION, "committee" refers to the interim study committee on learner's permits and graduated driver's licenses established by this SECTION.**

(b) **As used in this SECTION, "driver's license" has the meaning set forth in IC 9-13-2-48.**

(c) **There is established the interim study committee on learner's permits and graduated driver's licenses. The committee shall study:**

(1) **the minimum age at which learner's permits and probationary driver's licenses can be issued by the bureau of motor vehicles;**

(2) **requirements for practice driving before a probationary driver's license can be issued;**

(3) **the use of handheld devices by probationary drivers;**

(4) **conditions to which the probationary driver is subject while driving;**

(5) **whether a penalty should be given to a minor who accompanies a probationary driver without an accompanying adult driver of a certain age; and**

(6) **the adoption of rules concerning driver education instruction.**

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires December 1, 2008.

(Reference is to HB 1112 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 36-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) ~~Except as provided in subsections (c) and (d),~~ Members of the police and fire departments must reside in Indiana ~~in one (1) of the following areas:~~ within:

(1) ~~Within~~ the county in which the city ~~town, or township~~ is located; or

(2) ~~in~~ a county that is contiguous to the county in which the city ~~town, or township~~ is located.

(b) In a consolidated city, a member who was residing outside the county on January 1, 1975, is exempt from subsection (a).

(c) A ~~municipality~~ city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the ~~municipality's~~ city's police or fire department to comply with the following:

(1) Reside within the county in which the ~~municipality~~ city is located.

(2) Have adequate means of transportation into the ~~municipality~~ city.

(3) Maintain in the member's residence telephone service with the ~~municipality~~ city.

(d) This subsection applies to a ~~municipality~~ city that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A ~~municipality~~ city may require, in addition to the requirements of subsection (c), that a member of the police or fire department reside within the ~~municipality~~ city until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a ~~municipality's~~ city's police or fire department to reside within the county in which the ~~municipality~~ city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 2. IC 36-8-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 4.5. Town Police and Fire Employment Policies

Sec. 1. This chapter applies to the following:

(1) A member of a town police department under IC 36-5-7 or IC 36-8-9.

(2) A member of a town fire department.

Sec. 2. A member of a town police or fire department must reside in Indiana within:

(1) the county in which the town is located; or

(2) a county that is contiguous to the county in which the town is located.

Sec. 3. A town with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the town police or fire department to satisfy all of the following:

(1) Reside within:

(A) the county in which the town is located; or

(B) a distance from the town stated in the ordinance.

(2) Have adequate means of transportation into the town.

(3) Maintain in the member's residence telephone service with the town.

Sec. 4. This section applies to a town that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this section before September 1, 1984.

A town may require, in addition to the requirements of section 3 of this chapter, that a member of the police or fire department reside within the town until the member has served in the department for five (5) years.

Sec. 5. An ordinance adopted under section 3 or 4 of this chapter may not require a member of a town police or fire department to comply with section 3(1) of this chapter if the member resides:

(1) outside the county; or

(2) a distance outside the town greater than stated in the ordinance;

on the date the ordinance is adopted.

Sec. 6. Notwithstanding any other law, a member appointed to a town police department under IC 36-5-7 or IC 36-8-9 before July 1, 2008, may not be required to reside within:

(1) the county in which the town is located; or

(2) a county that is contiguous to the county in which the town is located;

if the member resided within a county that is noncontiguous to the county in which the town is located on July 1, 2008."

Page 2, delete lines 1 through 16.

Page 3, delete lines 4 through 22, begin a new paragraph and insert:

"SECTION 4. IC 36-8-13-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 10. (a) A member of a township fire department must reside in Indiana within:**

(1) the county in which the township is located; or

(2) a county that is contiguous to the county in which the township is located.

(b) A township with a population of less than seven thousand five hundred (7,500) may adopt a resolution that requires a member of the township fire department to satisfy all of the following:

(1) Reside within:

(A) the county in which the township is located; or

(B) a distance from the township stated in the resolution.

(2) Have adequate means of transportation into the township.

(3) Maintain in the member's residence telephone service with the township.

(c) This subsection applies to a township that:

(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted a resolution to establish the requirements described in this subsection before September 1, 1984.

A township may require, in addition to the requirements of subsection (b), that a member of the fire department reside within the township until the member has served in the department for five (5) years.

(d) A resolution adopted under subsection (b) or (c) may not require a member of a township fire department to comply with subsection (b)(1) if the member resides:

(1) outside the county; or

(2) a distance outside the township greater than stated in the resolution;

on the date the resolution is adopted."

Renumber all SECTIONS consecutively.

(Reference is to HB 1114 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Energy and Utilities, to which was referred House Bill 1117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1129, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 3, delete "1" and insert "1a".

(Reference is to HB 1129 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BISCHOFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-8-8-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.2. As used in this chapter, "electronic chat room username" means an identifier that allows a person to communicate over the Internet in real time using typed text.**

SECTION 2. IC 11-8-8-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.4. As used in this chapter, "electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.**

SECTION 3. IC 11-8-8-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.6. As used in this chapter, "instant messaging username" means an identifier that allows a person to communicate over the Internet in real time using typed text.**

SECTION 4. IC 11-8-8-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.8. As used in this chapter, "social networking web site username" means an identifier or profile that allows a person to create, use, or modify a**

social networking web site, as defined in IC 34-42-4-12.

SECTION 5. IC 11-8-8-7, AS AMENDED BY P.L.216-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:**

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex or violent offender resides in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is or intends to be employed or carry on a vocation. If a sex or violent offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or intends to be enrolled as a student. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex or violent offender committed to the department shall register with the department before the sex or violent offender is released from incarceration. The department shall

forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. A sex or violent offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) When a sex or violent offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;
- (2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender

resides; and

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, **electronic mail address, instant messaging username, electronic chat room username, social networking web site username**, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

SECTION 6. IC 11-8-8-8, AS AMENDED BY P.L.216-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The registration required under this chapter must include the following information:

(1) The sex or violent offender's full name, alias, any name by which the sex or violent offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis, principal residence address, other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex or violent offender's principal residence address.

(2) A description of the offense for which the sex or violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana, the name and address of each campus or location where the sex or violent offender is enrolled in school in Indiana, and the address where the sex or violent offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex or violent offender.

(5) If the sex or violent offender is a sexually violent predator, that the sex or violent offender is a sexually violent predator.

(6) If the sex or violent offender is required to register for life, that the sex or violent offender is required to register for life.

(7) **Any electronic mail address, instant messaging username, electronic chat room username, or social networking web site username that the sex or violent offender uses or intends to use.**

(7) (8) Any other information required by the department.

(b) **If the sex or violent offender registers any information under subsection (a)(7), the offender shall sign a consent form authorizing any business or organization that offers electronic communications, Internet access, or remote computer services to provide the department and the state police department all information concerning the sex or violent offender that the business or organization is aware of, including the sex or violent offender's Internet usage.**

SECTION 7. IC 11-8-8-11, AS AMENDED BY P.L.216-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent

offender's current principal address or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal address or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority where the sex or violent offender's current principal residence address is located shall inform the local law enforcement authority in the new county in Indiana of the sex or violent offender's residence and forward all relevant registration information concerning the sex or violent offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex or violent offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

- (1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and
- (2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school;

not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school shall inform the local law enforcement authority in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) If a sex or violent offender who is required to register under this chapter changes or obtains a new:

- (1) electronic mail address;**
- (2) instant messaging username;**
- (3) electronic chat room username; or**
- (4) social networking web site username;**

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal address or location and shall provide the local law enforcement authority with the new address or username not more than seventy-two (72) hours after the change or creation of the address or username.

(g) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

(g) (h) A local law enforcement authority who is notified of a change under subsection (a), ~~or~~ (c), **or (f)** shall:

- (1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;
- (2) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS); and
- (3) notify the department.

(h) (i) If a sex or violent offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(i) (j) If a sex or violent offender is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

SECTION 8. IC 35-38-1-7.5, AS AMENDED BY P.L.216-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

- (1) being at least eighteen (18) years of age, commits an offense described in:
 - (A) IC 35-42-4-1;
 - (B) IC 35-42-4-2;
 - (C) IC 35-42-4-3 as a Class A or Class B felony;
 - (D) IC 35-42-4-5(a)(1);
 - (E) IC 35-42-4-5(a)(2);
 - (F) IC 35-42-4-5(a)(3);
 - (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;
 - (H) IC 35-42-4-5(b)(2);
 - (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony;
 - (J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or
 - (K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);
- (2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;
- (3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; or
- (4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, or probation for the offense

after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

- (1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and
- (2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the **sentencing court or the juvenile court (if the person was convicted or adjudicated in Indiana), or the circuit or superior court in the county in which the person resides (if the person was not convicted or adjudicated in Indiana)**, to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

- (1) the sentencing court or juvenile court makes its determination under subsection (e); or
- (2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person **has proved by a preponderance of the evidence (if the person has been found to be a sexually violent predator under subsection (e)), or by clear and convincing evidence (if the person is a sexually violent predator under subsection (b)), that the person** should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

- (1) The victim was not less than twelve (12) years of age at the time the offense was committed.
- (2) The person is not more than four (4) years older than the victim.
- (3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (4) The offense committed by the person was not any of the following:
 - (A) Rape (IC 35-42-4-1).
 - (B) Criminal deviate conduct (IC 35-42-4-2).
 - (C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.
 - (D) An offense that results in serious bodily injury.
 - (E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (5) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.
- (6) The person did not have a position of authority or substantial influence over the victim.
- (7) The court finds that the person should not be considered a sexually violent predator.

SECTION 9. IC 35-38-2-2.2, AS AMENDED BY P.L.216-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.2. (a) As a condition of probation for a sex offender (as defined in IC 11-8-8-4.5), the court shall:

- (1) require the sex offender to register with the local law enforcement authority under IC 11-8-8; and
- (2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order. However, a court may not allow a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to reside within one thousand (1,000) feet of school property.

(b) **Except as provided in subsections (c) and (d), as a condition of probation for an offender against children under IC 35-42-4-11 who is convicted of an offense listed in IC 35-42-4-11(a)(2), the court shall prohibit the sex offender from being on the property of a primary or secondary school.**

(c) **If a sex offender who is an offender against children under IC 35-42-4-11 and is convicted of an offense listed in IC 35-42-4-11(a)(2) attends a primary or secondary school, the court, as a condition of probation, shall prohibit the sex offender from being on the property of a primary or secondary school other than the primary or secondary school that the sex offender attends.**

(d) **As a condition of probation for an offender against children under IC 35-42-4-11 who is convicted of an offense listed in IC 35-42-4-11(a)(2) and is a parent or guardian of a child who attends a primary or secondary school, the court shall:**

- (1) **require the sex offender to provide written notification that the sex offender is an offender against children to:**

- (A) the school; and
- (B) the school corporation, if the school is a public school; and
- (2) prohibit the sex offender from being on the school property of the primary or secondary school that the sex offender's child attends unless the sex offender is:
 - (A) attending a meeting with a teacher or school administrator; and
 - (B) escorted by an employee of the school or school district while on school property.

SECTION 10. IC 35-42-4-3, AS AMENDED BY P.L.216-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:

- (1) it is committed by a person at least twenty-one (21) years of age;
- (2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (3) it results in serious bodily injury; or
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense:

- (1) is a **Class B felony if the person compels the child to submit to the fondling or touching by using or threatening to use force; and**
- (2) is a Class A felony if:

- ~~(1)~~ (A) it is committed by using or threatening the use of deadly force;
- ~~(2)~~ (B) it is committed while armed with a deadly weapon; or
- ~~(3)~~ (C) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless:

- (1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (2) the offense results in serious bodily injury; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 11. IC 35-42-4-11, AS AMENDED BY P.L.216-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).

- (B) Child exploitation (IC 35-42-4-4(b)).
- (C) Child solicitation (IC 35-42-4-6).
- (D) Child seduction (IC 35-42-4-7).
- (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.
- (F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).
- (G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

- (1) a residence; or
- (2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

- (1) resides within one thousand (1,000) feet of:
 - (A) school property, not including property of an institution providing post-secondary education;
 - (B) a youth program center; or
 - (C) a public park; or
 - (2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;
- commits a sex offender residency offense, a Class D felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the **sentencing court or the juvenile court (if the person was convicted or adjudicated in Indiana), or the circuit or superior court in the county in which the person resides (if the person was not convicted or adjudicated in Indiana)**, to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person **has proved by clear and convincing evidence that the person** should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children."

Page 1, line 17, delete "uses a social networking website; or" and insert "uses:

- (A) a social networking web site; or
 - (B) an instant messaging or chat room program;
- that the offender knows allows a person who is less than eighteen (18) years of age to access or use the web site or program; and**
- (2) **contacts a child or a person the offender believes is a child through the social networking web site or instant messaging or chat room program;**
- commits a sex offender Internet offense, a Class D felony."**
- Page 2, delete lines 1 through 10.

Page 2, line 12, delete "applies" and insert **"and IC 35-42-4-3, as amended by this act, apply"**.

Re-number all SECTIONS consecutively.

(Reference is to HB 1134 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1137, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 132, line 36, delete "IC 16-14-42.2-3." and insert **"IC 16-41-42.2-3."**

Page 160, delete lines 39 through 42.

Delete page 161.

Page 162, delete lines 1 through 18.

Page 245, delete lines 22 through 33.

Page 268, line 37, delete "." and insert **"(expired July 1, 2007, and repealed)."**

Page 301, delete lines 19 through 42.

Delete pages 302 through 303.

Page 304, delete lines 1 through 41.

Re-number all SECTIONS consecutively.

(Reference is to HB 1137 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "(b)" insert **"As used in this section, 'orthotic device' means a custom fabricated brace or support that is designed based on medical necessity. (c)."**

Page 1, line 7, delete "medical device that is not surgically implanted and that" and insert **"leg or arm."**

Page 1, delete lines 8 through 15.

Page 1, line 16, delete "(c)" and insert **"(d)."**

Page 2, line 6, delete "(d) Coverage under a" and insert **"(e) A"**.

Page 2, line 6, delete "may" and insert **"must provide coverage for orthotic devices and prosthetic devices, including repair or replacement of an orthotic device or a prosthetic device that:**

(1) is performed by a licensed orthotist or prosthetist or a certified pedorthist;

(2) is determined by the covered individual's physician to be medically necessary to restore or maintain the covered individual's ability to perform activities of daily living or essential job related activities; and

(3) not solely for comfort or convenience.

(f) The coverage required under subsection (e) must be equal to the coverage that is provided for the same device, repair, or replacement under the federal Medicare reimbursement schedule, unless otherwise limited by this section.

(g) The coverage required under subsection (e):

(1) may be subject to; and

(2) may not be more restrictive than;

the provisions that apply to other benefits under the state

employee health plan.

(h) Coverage under a state employee health benefit plan may not be subject to lifetime:

(1) dollar limits or other coverage limitations for medically necessary orthotic devices or prosthetic devices; or

(2) deductibles, copayments, or coinsurance provisions for medically necessary orthotic devices or prosthetic devices that are less favorable to a covered individual than the deductibles, copayments, or coinsurance provisions applying to other coverage generally under the state employee health benefit plan."

Page 2, delete lines 7 through 14.

Page 2, line 39, delete "(a)" and insert **"As used in this chapter, 'orthotic device' means a custom fabricated brace or support that is designed based on medical necessity. Sec. 4."**

Sec. 4."

Page 2, line 40, delete "medical device that is not surgically implanted and that" and insert **"leg or arm."**

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 7.

Page 3, line 8, delete "4. Coverage under a" and insert **"5. A"**.

Page 3, line 9, delete "may not be subject to annual or lifetime:" and insert **"must provide coverage for orthotic devices and prosthetic devices, including repair or replacement of an orthotic device or a prosthetic device that:**

(1) is performed by a licensed orthotist or prosthetist or a certified pedorthist;

(2) is determined by the insured's physician to be medically necessary to restore or maintain the insured's ability to perform activities of daily living or essential job related activities; and

(3) not solely for comfort or convenience.

Sec. 6. The coverage required under section 5 of this chapter must be equal to the coverage that is provided for the same device, repair, or replacement under the federal Medicare reimbursement schedule, unless otherwise limited by this chapter.

Sec. 7. The coverage required under section 5 of this chapter:

(1) may be subject to; and

(2) may not be more restrictive than;

the provisions that apply to other benefits under the policy of accident and sickness insurance.

Sec. 8. Coverage under a policy of accident and sickness insurance may not be subject to lifetime:

(1) dollar limits or other coverage limitations for medically necessary orthotic devices or prosthetic devices; or

(2) deductibles, copayments, or coinsurance provisions for medically necessary orthotic devices or prosthetic devices that are less favorable to a covered individual than the deductibles, copayments, or coinsurance provisions applying to other coverage generally under the policy of accident and sickness insurance."

Page 3, delete lines 10 through 16.

Page 3, line 19, after "(a)" insert **"As used in this section, 'orthotic device' means a custom fabricated brace or support that is designed based on medical necessity. (b)."**

(b)."

Page 3, line 20, delete "medical device that is not surgically implanted" and insert **"leg or arm."**

Page 3, delete lines 21 through 29.

Page 3, line 30, delete "Coverage under an" and insert **"An"**.

Page 3, delete lines 31 through 38 and insert **"must provide coverage for orthotic devices and prosthetic devices, including repair or replacement of an orthotic device or a prosthetic device that:**

(1) is performed by a licensed orthotist or prosthetist or a certified pedorthist;

- (2) is determined by the enrollee's physician to be medically necessary to restore or maintain the enrollee's ability to perform activities of daily living or essential job related activities; and
 (3) not solely for comfort or convenience.

(d) The coverage required under subsection (c) must be equal to the coverage that is provided for the same device, repair, or replacement under the federal Medicare reimbursement schedule, unless otherwise limited by this section.

(e) The coverage required under subsection (c):

(1) may be subject to; and

(2) may not be more restrictive than;

the provisions that apply to other benefits under the group contract or individual contract.

(f) Coverage under an individual contract or a group contract may not be subject to lifetime:

(1) dollar limits or other coverage limitations for medically necessary orthotic devices or prosthetic devices; or

(2) deductibles, copayments, or coinsurance provisions for medically necessary orthotic devices or prosthetic devices that are less favorable to a covered individual than the deductibles, copayments, or coinsurance provisions applying to other coverage generally under the individual contract or group contract."

(Reference is to HB 1140 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1144, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 23, delete "or".

Page 2, line 24, after "physician;" insert "or

(D) 911 telephone call center;".

(Reference is to HB 1144 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 28 and 29, begin a new line block indented and insert:

"(5) Slot machine wagering under IC 4-35."

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"Sec. 6. "Executive director" means the executive director of the Indiana gaming commission appointed under IC 4-33-3-18."

Page 2, line 38, delete "6." and insert "7."

Page 3, line 6, delete "7." and insert "8."

Page 3, line 9, delete "8." and insert "9."

Page 3, line 10, delete "IC 4-36-6-1." and insert **"IC 4-36-6-3."**

Page 3, line 11, delete "9." and insert **"10."**

Page 3, line 14, delete "10." and insert **"11."**

Page 3, line 16, delete "11." and insert **"12."**

Page 3, line 18, delete "12." and insert **"13."**

Page 3, line 21, delete "13." and insert **"14."**

Page 3, line 24, delete "14." and insert **"15."**

Page 3, line 25, delete "15." and insert **"16."**

Page 3, line 27, delete "16." and insert **"17."**

Page 3, line 29, delete "17." and insert **"18."**

Page 3, line 34, delete "18." and insert **"19."**

Page 3, line 36, delete "19." and insert **"20."**

Page 3, line 39, delete "20." and insert **"21."**

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"(c) The commission may by resolution assign to the executive director any duty imposed upon the commission by this article.

(d) The executive director shall perform the duties assigned to the executive director by the commission. The executive director may exercise any power conferred upon the commission by this article that is consistent with the duties assigned to the executive director under subsection (c)."

Page 4, line 12, after "3." insert **"(a)"**.

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"(b) The commission may adopt emergency rules under IC 4-22-2-37.1 for the administration of this article if the commission determines that:

(1) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(2) an emergency rule is likely to address the need."

Page 4, line 19, delete "qualified".

Page 4, line 23, after "article." insert **"A retailer's license allows the retailer to conduct type II gaming at only the licensed premises specified in the retailer's application under section 3(b)(2) of this chapter. An applicant must obtain a separate retailer's license for each licensed premises on which the applicant wishes to conduct type II gaming."**

Page 4, between lines 34 and 35, begin a new line block indented and insert:

"(5) A person holding a gambling game license issued under IC 4-35-5."

Page 4, between lines 40 and 41, begin a new line block indented and insert:

"(2) The name and address of the licensed premises for which the applicant seeks a retailer's license."

Page 4, line 41, delete "(2)" and insert **"(3)"**.

Page 5, line 1, delete "(3)" and insert **"(4)"**.

Page 9, between lines 21 and 22, begin a new line block indented and insert:

"(3) The retailer offering the type II gambling game.

(4) A person employed by the retailer offering the type II gambling game."

Page 9, between lines 22 and 23, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "county resident student" means a student who:

(1) resides in a county that makes a distribution required by section 7(a)(2) or 8(a)(2) of this chapter; and

(2) is enrolled in a school corporation that has at least some territory within the county in which the student resides.

Sec. 2. As used in this chapter, "school corporation" has the meaning set forth in IC 36-1-2-17."

Page 9, line 23, delete "1." and insert **"3."**

Page 9, line 25, delete "2." and insert **"4."**

Page 9, line 28, delete "3." and insert **"5."**

Page 9, line 33, delete "4." and insert "6".

Page 9, between lines 35 and 36, begin a new paragraph and insert:

"Sec. 7. (a) After funds are appropriated under section 6 of this chapter, each month the treasurer of state shall distribute the fees paid by a retailer under this article in the previous month to the county treasurer of the county in which the retailer is located for distribution as follows:

(1) Two-thirds (2/3) for allocation among the county and the cities and towns located in the county.

(2) One-third (1/3) for allocation among the school corporations located in the county.

(b) The county auditor shall distribute the money received by the county for allocation under subsection (a)(1) as follows:

(1) To each city located in the county, according to the ratio the city's population bears to the total population of the county.

(2) To each town located in the county, according to the ratio the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(c) The money received by the county for allocation under subsection (a)(2) must be divided among the school corporations on a pro rata basis according to the ratio the number of county resident students enrolled in each school corporation bears to the total number of county resident students enrolled in the school corporations located in the county. Revenue received by a school corporation under this section is considered miscellaneous revenue.

(d) Money allocated under this section to a county, city, town, or school corporation may be used for any lawful purpose.

Sec. 8. (a) After funds are appropriated under section 6 of this chapter, each month the treasurer of state shall distribute the amount certified under IC 4-36-10-8 for a particular county to the county treasurer of that county for distribution as follows:

(1) Two-thirds (2/3) for allocation among the county and the cities and towns located in the county.

(2) One-third (1/3) for allocation among the school corporations located in the county.

(b) The county auditor shall distribute the money received by the county for allocation under subsection (a)(1) as follows:

(1) To each city located in the county, according to the ratio the city's population bears to the total population of the county.

(2) To each town located in the county, according to the ratio the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(c) The money received by the county for allocation under subsection (a)(2) must be divided among the school corporations on a pro rata basis according to the ratio the number of county resident students enrolled in each school corporation bears to the total number of county resident students enrolled in the school corporations located in the county. Revenue received by a school corporation under this section is considered miscellaneous revenue.

(d) Money allocated under this section to a county, city, town, or school corporation may be used for any lawful purpose."

Page 10, line 39, delete "may, with the approval of the" and insert **"may"**.

Page 10, line 40, delete "governor,".

Page 11, delete lines 2 through 3.

Page 11, line 4, delete "(3)" and insert **"(2)"**.

Page 11, line 9, delete "(4)" and insert **"(3)"**.

Page 11, line 11, delete "(5)" and insert **"(4)"**.

Page 11, line 13, delete "(6)" and insert **"(5)"**.

Page 11, line 17, delete "commissioner." and insert **"executive director."**

Page 11, line 22, delete "(7)" and insert **"(6)"**.

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 4. (a) The state police department shall, at the request of the executive director, provide the following:

(1) Assistance in obtaining criminal history information relevant to investigations required for honest, secure, exemplary operations under this article.

(2) Any other assistance requested by the executive director and agreed to by the superintendent of the state police department.

(b) Any other state agency, including the alcohol and tobacco commission and the Indiana professional licensing agency, shall upon request provide the executive director with information relevant to an investigation conducted under this article."

Page 12, between lines 38 and 39, begin a new line block indented and insert:

"(4) The address of each retailer that purchased pull tabs, punchboards, or tip boards from the licensee in the previous calendar month."

Page 13, line 4, after "department" insert **"on a monthly basis"**.

Page 13, between lines 15 and 16, begin a new paragraph and insert:

"Sec. 8. Each month the department shall calculate for each county the amount of taxes remitted under this chapter in the previous month that are attributable to the distribution of pull tabs, punchboards, and tip boards to retailers located in the county. Subject to the amounts appropriated to the commission under IC 4-36-6-6, the department shall certify to the treasurer of state and the county treasurer in each county the amount of the taxes remitted in the previous month that the county is entitled to receive under IC 4-36-6-8."

Page 14, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 5. IC 7.1-3-27 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 27. Liability Insurance

Sec. 1. Except as provided in section 2 of this chapter, a person who:

(1) holds a retailer license or permit; and

(2) sells alcoholic beverages for consumption on the licensed or permitted premises;

shall procure and, after December 31, 2008, continuously maintain a policy of liability insurance to cover the person's liability for damages arising out of the person's sale of alcoholic beverages for consumption on the licensed premises.

Sec. 2. (a) A person described in section 1 of this chapter is not required to maintain liability insurance under section 1 of this chapter if the person holds a certificate of self-insurance issued under this section.

(b) The department of insurance may, upon the application of a person described in section 1 of this chapter, issue to the person a certificate of self-insurance if the department of insurance is satisfied that the person making the application possesses and will continue to possess the ability to pay a judgment obtained against the person for damages arising out of the person's sale of alcoholic beverages for consumption on the licensed premises.

Sec. 3. The minimum amounts of insurance coverage or self-insurance required under this chapter shall be established in rules adopted by the insurance commissioner under section 5 of this chapter.

Sec. 4. A person who violates this chapter is subject to the penalties set forth in IC 7.1-3-23.

Sec. 5. The insurance commissioner shall adopt rules under IC 4-22-2 to implement this chapter."

Page 14, after line 16, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] (a) The insurance commissioner appointed under IC 27-1-1-2 shall adopt rules under IC 4-22-2 to implement IC 7.1-3-27, as added by this act, before January 1, 2009.

(b) This SECTION expires January 2, 2009.

SECTION 8. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

(Reference is to HB 1153 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1156, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 4.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1159, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-19.5-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. As used in this chapter, "information and referral services" means services or programs that:

- (1) maintain information about human services;**
- (2) link individuals who need human services with appropriate human service providers; and**
- (3) supply descriptive information about the human services providers.**

The term includes information and assistance providers and resource and referral agencies.

SECTION 2. IC 8-1-19.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) It is the policy of the state to encourage the orderly and efficient use of 211 to:

- (1) provide access to human services; and**
- (2) collect needed information about human services and the delivery of human services in Indiana.**

(b) A state agency or department that provides human services may not establish a public telephone line or hotline to provide information or referrals unless the agency or department first:

- (1) consults with the recognized 211 service provider in the area to be served by the telephone line or hotline ~~about~~ to determine whether using 211 to provide access to the**

information or referrals is the most cost effective method of delivery; and

(2) notifies the commission of the consultation and determination described in subdivision (1).

If the state agency or department determines that 211 is the most cost effective way to provide access to information and referral services, the recognized 211 service provider with which the state agency or department consulted under subdivision (1) has the right of first refusal to provide 211 services for the state agency or department.

(c) A person may not disseminate information to the public about the availability of 211 or 211 services in an area of Indiana except in accordance with:

- (1) a rule adopted by the commission under IC 4-22-2; or**
- (2) an order issued by the commission in a specific proceeding.**

(d) A state agency or department that uses a recognized 211 service provider to provide access to information and referral services shall enter into an agreement with the recognized 211 service provider concerning the provision of access to information and referral services. An agreement under this subsection must establish the terms and amount of compensation from the 211 services account to the recognized 211 service provider.

SECTION 3. IC 8-1-19.5-11, AS AMENDED BY P.L.2-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The 211 services account is established in the state general fund to make 211 services available throughout Indiana. The account shall be administered by the commission.

(b) The account consists of the following:

- (1) Money appropriated to the account by the general assembly.**
- (2) Funds received from the federal government for the support of 211 services in Indiana.**
- (3) Investment earnings, including interest, on money in the account.**
- (4) Money from any other source, including gifts and grants.**

(c) Money in the account is continuously appropriated for the purposes of this section.

(d) The commission shall annually prepare a plan for the expenditure of the money in the account. The plan must be reviewed by the state budget committee before the commission may make expenditures from the fund.

(e) Money in the account may be spent for the following purposes:

(1) The creation of a structure for a statewide 211 resources data base that:

- (A) meets the Alliance for of Information and Referral Systems standards for information and referral systems data bases; and**
- (B) is integrated with a local resources data base maintained by a recognized 211 service provider.**

Permissible expenditures under this subdivision include expenditures for planning, training, accreditation, and system evaluation.

(2) The development and implementation of a statewide 211 resources data base described in subdivision (1). Permissible expenditures under this subdivision include expenditures for planning, training, accreditation, and system evaluation.

(3) Collecting, organizing, and maintaining information from state agencies, departments, and programs that provide human services, for access by a recognized 211 service provider.

(4) Providing grants or other compensation to a recognized 211 service provider for any of the following purposes:

(A) The design, development, and implementation of 211 services in a recognized 211 service provider's 211 service area. Funds provided under this subdivision may be used for planning, public awareness, training, accreditation, and evaluation.

(B) The provision of 211 services on an ongoing basis after the design, development, and implementation of 211 services in a recognized 211 service provider's 211 service area.

(C) The provision of 211 services on a twenty-four (24) hour per day, seven (7) day per week basis.

(f) The expenses of administering the account shall be paid from money in the account.

(g) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(h) Money that is in the account under subsection (b)(2) through (b)(4) at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 8-1-19.5-12, AS AMENDED BY P.L.2-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The commission shall, after June 30 and before November 1 of each year, report to the general assembly on the following:

(1) The total amount of money deposited in the account during the most recent state fiscal year.

(2) The amount of funds, if any, received from the federal government during the most recent state fiscal year for the support of 211 services in Indiana. The information provided under this subdivision must include the amount of any matching funds, broken down by source, contributed by any source to secure the federal funds.

(3) The amount of money, if any, disbursed from the account for the following:

(A) The creation of a structure for a statewide 211 resources data base described in section 11(e)(1) of this chapter.

(B) The development and implementation of a statewide 211 resources data base described in section 11(e)(1) of this chapter.

(C) Collecting, organizing, and maintaining information from state agencies, departments, and programs that provide human services, for access by a recognized 211 service provider.

The information provided under this subdivision must identify any recognized 211 service provider or other organization that received funds for the purposes set forth in this subdivision.

(4) The amount of money, if any, disbursed from the account as grants **or compensation** to a recognized 211 service provider for any of the purposes described in section 11(e)(4) of this chapter. The information provided under this subdivision must identify the recognized 211 service provider that received the grant and the amount and purpose of the grant **or compensation** received.

(5) The expenses incurred by the commission in complying with this chapter during the most recent state fiscal year.

(6) The projected budget required by the commission to comply with this chapter during the current state fiscal year.

(7) In consultation with the office of management and budget, the cost effectiveness of using 211.

(b) The report required under this section must be in an electronic format under IC 5-14-6.

SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 8-1-19.5 apply throughout this SECTION.**

(b) As used in this SECTION, "information and referral services" includes the following:

(1) Toll free telephone lines.

(2) Human services data bases.

(3) Human services resource directories.

(c) The office of management and budget shall coordinate a study with the following agencies to identify all information and referral services for the state:

(1) The department of workforce development.

(2) The family and social services administration.

(3) The Indiana state department of health.

(4) The Indiana criminal justice institute.

(5) The department of child services.

(6) The Indiana department of homeland security.

(7) The Indiana department of veterans' affairs.

(8) The governor's planning council for people with disabilities.

(9) The housing and community development authority.

(10) The office of faith based and community initiatives.

(11) The office of community and rural affairs.

(12) Any other agency whose participation the office of management and budget determines would further the purposes of this SECTION and IC 8-1-19.5.

(d) Not later than December 31, 2008, the office of management and budget shall report the results of the study conducted under subsection (c) to the following:

(1) The commission.

(2) Recognized 211 service providers.

(3) The general assembly, in an electronic format under IC 5-14-6.

(e) The report under subsection (d) must do the following:

(1) Summarize the purpose, scope, effectiveness, cost, and funding for each information and referral service. Each summary under this subdivision must document the following:

(A) The objectives of the information and referral service.

(B) The operational standards under which the information and referral service operates.

(C) The percentage of human services providers associated with the information and referral service that meet standards developed by the Alliance of Information and Referral System (AIRS).

(D) The units of service provided by human services providers associated with the information and referral service during the most recent applicable reporting period. Documentation under this clause must describe the method by which units of service are calculated.

(E) The costs of providing the information and referral service, including the following:

(i) Staffing.

(ii) Data bases.

(iii) Technology.

(iv) Telecommunication and marketing costs associated with a separate toll free line, human services data base, or human services resource directory.

(F) Sources of federal and state funding and other state resources used to provide human services and information and referral services.

(2) Identify potential cost savings and service improvements to the state through information and referral services, including the use of 211 and 211 services.

(f) This SECTION expires January 1, 2009.

SECTION 6. An emergency is declared for this act.

(Reference is to HB 1159 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ORENTLICHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1162, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 1.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

ORENTLICHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1170, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 1, strike "Subject to section".

Page 9, strike lines 2 through 3.

Page 9, line 20, reset in roman "If a licensed acupuncturist practices acupuncture on a patient".

Page 9, reset in roman line 21.

Page 9, line 22, reset in roman "the patient from a physician licensed under IC 25-22.5".

Page 9, line 22, after "IC 25-22.5" insert ",".

Page 9, line 23, reset in roman "the physician is immune from civil liability relating to".

Page 9, reset in roman lines 24 through 26.

Page 10, line 39, strike "eleemosynary" and insert "**charitable**".

Page 11, line 31, after "issued" insert "**dental**".

Page 12, line 19, delete "office".

Page 12, line 20, after "dentist" insert "**with patient care**".

Page 15, line 3, delete "(e)" and insert "**(g)**".

Page 15, line 4, delete "(f)," and insert "**(h),**".

Page 15, line 17, delete "course" and insert "**curriculum**".

Page 15, line 17, delete "anticariogenic".

Page 15, line 18, after "medicaments" insert "**for the control or prevention of dental caries**".

Page 15, line 18, after "dentist." insert "**The curriculum must include instruction on the following:**

(1) **Ethics and jurisprudence.**

(2) **Reasons for fluorides.**

(3) **Systemic fluoride.**

(4) **Topical fluoride.**

(5) **Fluoride application.**

(6) **Laboratory work on topical fluoride applications and patient competency."**

Page 15, line 20, delete "course" and insert "**curriculum**".

Page 15, line 21, after "dentist." insert "**The curriculum must include instruction on the following:**

(1) **Ethics and jurisprudence.**

(2) **Plaque and materia alba.**

(3) **Intrinsic and extrinsic stain.**

(4) **Abrasive agents.**

(5) **Use of a slow speed hand piece, prophyl cup, and occlusal polishing brush.**

(6) **Theory of selective polishing.**

(7) **Laboratory work concerning slow speed hand piece, hand dexterity, and patient competency."**

Page 15, delete lines 22 through 42.

Page 16, delete lines 1 through 16.

Page 32, line 4, after "3." insert "**(a) Notwithstanding any other law, this article does not take effect until July 1, 2009. (b) "**

Page 32, delete lines 30 through 42.

Delete pages 33 through 35.

Page 36, delete lines 1 through 31.

Page 37, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 40. IC 25-23.6-3-2, AS AMENDED BY P.L.2-2007, SECTION 330, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) This article may not be construed to limit the marriage and family therapy services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine or psychology or a course of study to gain licensure under this article in an accredited eligible postsecondary educational institution or training institution **or is a graduate accumulating experience required for licensure if:**

(A) the activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student **or graduate** uses a title that contains the term "intern" or "trainee";

(3) Not a resident of Indiana if the person performed services in Indiana for not more than five (5) days in any one (1) month and not more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and addiction and who provides counseling in the areas of alcohol or drug abuse addictions.

(b) Nothing in this section prohibits a person referred to in

subsection (a) from qualifying for licensure under this article."

Page 37, delete lines 37 through 42.

Page 38, delete lines 1 through 32.

Page 42, line 36, after "years" insert **"Before an individual obtains any post degree clinical experience, the individual must be licensed as a marriage therapist associate under this chapter."**

Page 44, line 27, after "IC 25-1-8-6." insert **"An associate license that has been expired for more than one (1) year may not be reinstated under IC 25-1-8-6."**

Page 45, delete lines 16 through 42.

Delete pages 46 through 53.

Page 54, delete lines 1 through 39.

Page 55, delete lines 2 through 3, begin a new paragraph and insert:

"SECTION 57. IC 25-23-1-28 IS REPEALED [EFFECTIVE JULY 1, 2008]."

Page 55, delete lines 11 through 42.

Delete page 56.

Page 57, delete lines 1 through 8.

Re-number all SECTIONS consecutively.

(Reference is to HB 1172 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1183, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 18 through 28.

Re-number all SECTIONS consecutively.

(Reference is to HB 1183 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 2.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1184, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete page 4.

(Reference is to HB 1184 as printed January 22, 2008.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was

referred House Bill 1187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, delete lines 7 through 42.

Delete page 11.

Page 12, delete lines 1 through 39.

(Reference is to HB 1187 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1189, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 4.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning education.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "committee" refers to the interim study committee on adult education established by this SECTION.

(b) There is established the interim study committee on adult education. The committee shall study issues that relate to adult education, including funding for adult education programs.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires November 1, 2008.

(Reference is to HB 1193 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1196, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-40.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40.6. "Provisional ballot" refers to a ballot cast in accordance with the provisions of IC 3-11.7. **The term includes an absentee ballot required to be treated as a provisional ballot under this title.**"

Page 2, between lines 23 and 24, begin a new paragraph and

insert:

"SECTION 4. IC 3-7-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. **(a) Subject to subsection (c),** a board of registration may employ all necessary assistants.

(b) The number of employees shall be divided equally between the major political parties of the county.

(c) A person who is:

- (1) on probation;**
- (2) on parole;**
- (3) subject to home detention under IC 35-38-2.5;**
- (4) placed in a community corrections program under IC 35-38-2.6;**
- (5) in a community transition program under IC 11-10-11.5;**
- (6) participating in a postconviction forensic diversion program under IC 11-12-3.7;**
- (7) being supervised by a reentry court;**
- (8) serving a sentence in a minimum security assignment under IC 35-38-3-6; or**
- (9) serving an intermittent sentence;**

may not be an employee of, or otherwise perform work for, a board of registration."

Page 12, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 16. IC 3-11-10-17, AS AMENDED BY P.L.198-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) If the inspector finds under section 15 of this chapter that any of the following applies, ~~the inspector shall direct that the absentee ballot may not be accepted or counted:~~ **processed as a provisional ballot under IC 3-11.7:**

(1) The affidavit is insufficient or the ballot has not been endorsed with the initials of:

- (A) the two (2) members of the absentee voter board in the office of the circuit court clerk under IC 3-11-4-19 or section 27 of this chapter;
- (B) the two (2) members of the absentee voter board visiting the voter under section 25(b) of the chapter; or
- (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) A copy of the voter's signature has been furnished to the precinct election board and that the signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

- (1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or**
- (2) on an absentee ballot secrecy envelope that corresponds**

with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by:

(1) the absentee voter board under section 25(b) of this chapter;

(2) a member of the voter's household; or

(3) an individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for an inspector to determine that a signature or mark complies with subsection (a)(2).

SECTION 17. IC 3-11-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. ~~Each~~ **(a) An absentee ballot not accepted or counted for any of the reasons prescribed by section 17 of this chapter shall, without being unfolded to disclose how it is marked, be replaced in the absentee ballot envelope in which the ballot was contained. The absentee ballot envelope shall be securely sealed and endorsed with the words: "Rejected (giving the reason or reasons therefor)": for the rejection)".**

(b) All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the inspector shall write the words: ~~"Defective "~~ "Absentee ballots to be processed as provisional ballots". The inspector shall also identify the precinct and the date of the election on the envelope containing the rejected ballots. ~~The defective absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election."~~

Page 17, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 21. IC 3-11-10-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 34. If ~~an envelope containing~~ an absentee ballot has been marked ~~"Rejected as defective"~~ **rejected under section 17 of this chapter** and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person. **A notation shall be made on the absentee ballot envelope of the rejected absentee ballot that the voter appeared at the polls."**

Page 17, delete lines 13 through 33, begin a new paragraph and insert:

"SECTION 22. IC 3-11.5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by section 1 of this chapter:

- (1) IC 3-11-4-22.
- (2) IC 3-11-10-1.5.
- (3) IC 3-11-10-3.
- (4) IC 3-11-10-5.
- (5) IC 3-11-10-6.
- (6) IC 3-11-10-7.
- (7) IC 3-11-10-8.
- (8) IC 3-11-10-9.
- (9) IC 3-11-10-11.
- (10) IC 3-11-10-12.
- (11) IC 3-11-10-13.
- (12) IC 3-11-10-14.
- (13) IC 3-11-10-15.
- (14) IC 3-11-10-16.
- (15) IC 3-11-10-17.
- (16) IC 3-11-10-18.
- (17) IC 3-11-10-20.
- (18) IC 3-11-10-21.
- (19) IC 3-11-10-22.
- (20) IC 3-11-10-23.

- (21) IC 3-11-10-31.
- (22) IC 3-11-10-32.
- (23) IC 3-11-10-33.
- (24) IC 3-11-10-34.
- ~~(25) IC 3-11-10-35.~~
- ~~(26)~~ (25) IC 3-11-10-36.
- ~~(27)~~ (26) IC 3-11-10-37.
- ~~(28)~~ (27) IC 3-12-2.
- ~~(29)~~ (28) IC 3-12-3-12."

Page 18, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 25. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be ~~rejected~~: **processed as provisional ballots under IC 3-11.7:**

- (1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:
 - (A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;
 - (B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or
 - (C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.
- (2) The signatures do not correspond or there is no signature.
- (3) The absentee voter is not a qualified voter in the precinct.
- (4) The absentee voter has voted in person at the election.
- (5) The absentee voter has not registered.
- (6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.
- (7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.
- (8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.
- (9) The ballot has been challenged and not supported.
- (b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:
 - (1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or
 - (2) on an absentee ballot security envelope that corresponds with the voter's signature:
 - (A) in the records of the county voter registration office; or
 - (B) on the absentee ballot application.
- (c) The voter may request that the voter's signature or mark be attested to by any of the following:
 - (1) The absentee voter board under section 22 of this chapter.
 - (2) A member of the voter's household.
 - (3) An individual serving as attorney in fact for the voter.
- (d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).
- (e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than 5 p.m. on election day. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote.

SECTION 26. IC 3-11.5-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~Each An~~ **absentee ballot rejected for any of the reasons prescribed by section 13 of this chapter shall, without being unfolded to disclose how the ballot is marked, be replaced in the absentee ballot envelope in which the ballot was contained. The absentee ballot envelope shall be securely sealed and** endorsed with the words: "Rejected (giving the reason or reasons for the rejection)".

(b) All rejected absentee ballots shall be enclosed and securely sealed in an envelope on which the absentee ballot counters shall write the words: ~~"Rejected"~~ **"Absentee ballots to be processed as provisional ballots"**. The absentee ballot counters shall also identify the precinct and the date of the election on the envelope containing the rejected ballots.

~~(c) The rejected absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election.~~

SECTION 27. IC 3-11.5-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. If ~~an envelope containing~~ an absentee ballot has been marked ~~"Rejected"~~ **rejected under section 14 of this chapter** and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person if the voter presents the precinct election board with the certificate issued under section 13(c) of this chapter. **A notation shall be made on the absentee ballot envelope of the rejected absentee ballot that the voter appeared at the polls.**

SECTION 28. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) ~~As provided by 42 U.S.C. 15482~~; This section applies to the following individuals:

- (1) An individual:
 - (A) whose name does not appear on the registration list; and
 - (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.
 - (2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.
 - (3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.
 - (4) An individual whose absentee ballot has been rejected under IC 3-11-10-17 or IC 3-11.5-4-13.**
 - (b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:
 - (1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or
 - (2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;
- is entitled to vote a provisional ballot under this article.
- (c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:
- (1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

(e) An absentee ballot rejected under IC 3-11-10-17 or IC 3-11.5-4-13 shall be treated as a provisional ballot under this article. The county election board shall send a notice to the voter at the address indicated on the voter's absentee ballot application giving the following information:

(1) That the voter's absentee ballot was rejected.

(2) The reasons for rejection of the voter's absentee ballot.

(3) That the voter's absentee ballot will be treated as a provisional ballot.

(4) That the county election board will have a meeting to determine whether provisional ballots shall be counted.

(5) The date, time, and place of the meeting described in subdivision (4).

(6) That the voter will be given an opportunity to support the validity of the absentee ballot.

(7) That the county election board may limit the voter's presentation. The county election board must grant a voter at least five (5) minutes to make a presentation.

SECTION 29. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than noon ten (10) days following the election.

(c) The county election board shall meet before noon on the date described in subsection (b) to do the following:

(1) Provide voters who have cast provisional ballots an opportunity to make a presentation in support of the validity of the provisional ballot.

(2) Determine which provisional ballots shall be counted.

SECTION 30. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) ~~Except as provided in section 5 of this chapter,~~ If the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election,

indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot **unless:**

(1) the voter appears at the meeting held under section 1 of this chapter; and

(2) the board determines, based on the voter's presentation, that the voter was validly registered.

If the board determines that the voter was not properly registered, the board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~Except as provided in section 5 of this chapter,~~ A provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day."

Page 18, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 31. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear ~~before the circuit court clerk or the at the~~ county election board ~~not later than the deadline specified by~~ held under section 1 of this chapter for the county election board to determine whether to count a provisional ballot. **The voter may also appear before the circuit court clerk before the county election board meeting to provide proof of identification and execute the affidavit as required under subsection (b).**

(b) Except as provided in subsection (c), ~~or (c);~~ if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:~~

~~(1) the voter is the same individual who:~~

~~(A) personally appeared before the precinct election board; and~~

~~(B) cast the provisional ballot on election day; and~~

~~(2) the voter:~~

~~(A) is:~~

~~(i) indigent; and~~

~~(ii) unable to obtain proof of identification without the payment of a fee; or~~

~~(B) has a religious objection to being photographed;~~

the county election board shall determine whether the voter has been challenged for any reason other than the voter's inability or declination to present proof of identification to the precinct election board:

(d) If the county election board determines that the voter described in subsection (c) has been challenged solely for the inability or declination of the voter to provide proof of identification, the county election board shall:

- (1) find that the voter's provisional ballot is valid; and
- (2) direct that the provisional ballot be:

- (A) opened under section 4 of this chapter; and
- (B) processed in accordance with this chapter.

(c) If the county election board determines that a voter described in subsection (b) or (c) has been challenged for a cause other than the voter's inability or declination to provide proof of identification, the board shall:

- (1) note on the envelope containing the provisional ballot that the voter has complied with the proof of identification requirement; and
- (2) proceed to determine the validity of the remaining challenges set forth in the challenge affidavit before ruling on the validity of the voter's provisional ballot.

(d) If a voter described by subsection (a) fails by the deadline for counting provisional ballots referenced in subsection (a) described in section 1 of this chapter to:

- (1) appear before the county election board or the circuit court clerk; and
- (2) execute an affidavit in the manner prescribed by subsection (b); or (c);

the county election board shall find that the voter's provisional ballot is invalid.

SECTION 32. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) **This section applies** if the board determines **any of the following**:

- (1) That the affidavit executed by the provisional voter has not been properly executed.
- (2) That the provisional voter is not a qualified voter of the precinct.
- (3) That the **provisional** voter failed to provide proof of identification when required under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26. or
- (4) That the provisional voter did not register to vote at a registration agency under this article on a date within the registration period.
- (5) **That the provisional voter's absentee ballot is not entitled to be counted under this title.**

(b) The board shall make the following findings:

- (1) The provisional ballot is invalid.
- (2) The provisional ballot may not be counted.
- (3) The provisional ballot envelope containing the ballots cast by the provisional voter may not be opened.

(c) If the county election board determines that a provisional ballot is invalid, a notation shall be made on the provisional ballot envelope: "Provisional ballot determined invalid".

SECTION 33. IC 3-11.7-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. As soon as the ballots have been counted, the counters shall do the following in the presence of the county election board:

- (1) Place in a strong paper envelope or bag the following:
 - (A) All provisional ballots, voted and spoiled.
 - (B) All provisional ballots
 - (i) determined invalid under section 3 of this chapter. or
 - (ii) rejected under section 5 of this chapter.
 - (C) All protested and uncounted provisional ballots.
 - (D) All provisional ballot envelopes.
 - (E) All executed affidavits relating to the provisional ballots.
 - (F) The tally papers.
- (2) Securely seal the envelope or bag.
- (3) Have both counters initial the envelope or bag.

- (4) Plainly mark on the outside of the envelope or bag in ink the precinct in which the provisional ballots were cast.
- (5) Deliver the envelope or bag to the circuit court clerk.
- (6) Notify the circuit court clerk of the number of ballots placed in the envelope or bag."

Page 19, delete lines 1 through 31.

Page 19, line 36, delete "December" and insert "**January**".

Page 19, line 36, delete "of" and insert "**following**".

Page 19, line 38, delete "during" and insert "**for**".

Page 20, line 37, strike "Except as provided in section 13 of this chapter,".

Page 20, line 37, delete "a" and insert "A".

Page 24, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 43. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 3-11-10-35; IC 3-11.7-5-5.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1196 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

PIERCE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1203, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 34, delete "August 1" and insert "**July 29**".

Page 3, line 14, delete "August 1" and insert "**July 29**".

Page 5, line 12, delete "July 31," and insert "**July 28,**".

(Reference is to HB 1203 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1209, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-36-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 10. Pretrial Determination of Mental Illness in Death Sentence Cases

Sec. 1. This chapter applies when a defendant is charged with a murder for which the state seeks a death sentence under IC 35-50-2-9.

Sec. 2. As used in this chapter, "active symptoms" means delusions (fixed, clearly false beliefs), hallucinations (clearly erroneous perceptions of reality), extremely disorganized thinking, or very significant disruption of consciousness, memory, and perception of the environment.

Sec. 3. As used in this chapter, "formal training in forensic psychiatry or forensic psychology" includes:

- (1) course work or continuing education in a relevant area of forensic psychiatry or forensic psychology; and
- (2) practice supervised by a qualified forensic mental health practitioner.

Sec. 4. As used in this chapter, "individual with a severe mental illness" means an individual who, at the time of the offense, had active symptoms of a severe mental illness that substantially impaired the individual's capacity to:

- (1) appreciate the nature, consequences, or wrongfulness of the individual's conduct;
- (2) exercise rational judgment in relation to the individual's conduct; or
- (3) conform the individual's conduct to the requirements of the law.

Sec. 5. (a) As used in this chapter, "severe mental illness" means one (1) or more of the following mental disorders or disabilities as diagnosed by psychiatrists or psychologists using their current professional standards:

- (1) Schizophrenia.
- (2) Schizoaffective disorder.
- (3) Bipolar disorder.
- (4) Major depression.
- (5) Delusional disorder.

(b) The term does not include a mental disorder or disability manifested primarily by repeated criminal conduct or attributable solely to the acute effects of alcohol or other drugs.

Sec. 6. (a) A defendant may file a petition alleging that the defendant is an individual with a severe mental illness.

(b) The petition must be filed not later than twenty (20) days before the omnibus date.

(c) If a defendant files a petition under this section, the court shall order an evaluation of the defendant to provide evidence of whether the defendant is an individual with a severe mental illness. The evaluation must include psychological and forensic testing and shall be conducted by a panel of three (3) disinterested psychiatrists or psychologists endorsed by the state psychology board as health service providers in psychology. Each member of the panel must have formal training in forensic psychiatry or forensic psychology and must have experience in evaluating the mental status of defendants at the time of their alleged offenses. At least one (1) member of the panel must be a psychiatrist. The panel shall be selected as follows:

- (1) The defendant shall submit a list of at least five (5) psychiatrists or psychologists qualified under this subsection.
- (2) The prosecuting attorney shall submit a list of at least five (5) psychiatrists or psychologists qualified under this subsection.
- (3) The court shall select one (1) psychologist or psychiatrist from each list submitted by the defendant and the prosecuting attorney.
- (4) The two (2) psychologists, two (2) psychiatrists, or the psychologist and psychiatrist selected by the court from the lists submitted by the defendant and the prosecuting attorney shall select a third psychologist or psychiatrist. The third psychiatrist or psychologist is not required to be a psychiatrist or psychologist named on a list submitted by the defendant or the prosecuting attorney.

The court shall ensure that the panel and its members meet the requirements of this subsection.

Sec. 7. (a) The court shall conduct a hearing on a petition filed under this chapter. At the hearing, the court shall consider the evaluation prepared by the psychiatrists or psychologists in accordance with section 6(c) of this chapter.

(b) The court may determine that the defendant is an individual with a severe mental illness only if the defendant proves at the hearing by clear and convincing evidence that the defendant is an individual with a severe mental illness.

Sec. 8. Not later than ten (10) days before the initial trial date, the court shall determine whether the defendant is an individual with a severe mental illness based on the evidence

presented at the hearing under section 7 of this chapter. The court shall issue written findings supporting the court's determination under this section.

Sec. 9. If the court determines that the defendant is an individual with a severe mental illness under section 8 of this chapter, the part of the state's charging instrument filed under IC 35-50-2-9 that seeks a death sentence against the defendant shall be dismissed.

Sec. 10. If a defendant is:

- (1) determined by the court to be an individual with a severe mental illness under this chapter; and
- (2) convicted of murder;

the court shall sentence the defendant under IC 35-50-2-3 but may not impose a sentence of death.

SECTION 2. IC 35-50-2-3, AS AMENDED BY P.L.99-2007, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A person who commits murder shall be imprisoned for a fixed term of between forty-five (45) and sixty-five (65) years, with the advisory sentence being fifty-five (55) years. In addition, the person may be fined not more than ten thousand dollars (\$10,000).

(b) Notwithstanding subsection (a), a person who was:

- (1) at least eighteen (18) years of age at the time the murder was committed may be sentenced to:

(A) death; or

(B) life imprisonment without parole; and

- (2) at least sixteen (16) years of age but less than eighteen (18) years of age at the time the murder was committed may be sentenced to life imprisonment without parole;

under section 9 of this chapter unless a court determines under IC 35-36-9 that the person is an individual with mental retardation. A court may not impose a sentence of death on a person determined under IC 35-36-10 to be an individual with a severe mental illness (as defined in IC 35-36-10-5).

SECTION 3. IC 35-50-2-9, AS AMENDED BY P.L.99-2007, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The state may seek either a death sentence or a sentence of life imprisonment without parole for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged. However, the state may not proceed against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-9 that the defendant is an individual with mental retardation. The state may not seek a death sentence against a defendant under this section if a court determines at a pretrial hearing under IC 35-36-10 that the defendant is an individual with a severe mental illness (as defined in IC 35-36-10-5).

(b) The aggravating circumstances are as follows:

- (1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit any of the following:

(A) Arson (IC 35-43-1-1).

(B) Burglary (IC 35-43-2-1).

(C) Child molesting (IC 35-42-4-3).

(D) Criminal deviate conduct (IC 35-42-4-2).

(E) Kidnapping (IC 35-42-3-2).

(F) Rape (IC 35-42-4-1).

(G) Robbery (IC 35-42-5-1).

(H) Carjacking (IC 35-42-5-2).

(I) Criminal gang activity (IC 35-45-9-3).

(J) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

- (2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure person or damage property.

- (3) The defendant committed the murder by lying in wait.

- (4) The defendant who committed the murder was hired to kill.
- (5) The defendant committed the murder by hiring another person to kill.
- (6) The victim of the murder was a corrections employee, probation officer, parole officer, community corrections worker, home detention officer, ~~fireman~~, **firefighter**, judge, or law enforcement officer, and either:
- (A) the victim was acting in the course of duty; or
 - (B) the murder was motivated by an act the victim performed while acting in the course of duty.
- (7) The defendant has been convicted of another murder.
- (8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.
- (9) The defendant was:
- (A) under the custody of the department of correction;
 - (B) under the custody of a county sheriff;
 - (C) on probation after receiving a sentence for the commission of a felony; or
 - (D) on parole;
- at the time the murder was committed.
- (10) The defendant dismembered the victim.
- (11) The defendant burned, mutilated, or tortured the victim while the victim was alive.
- (12) The victim of the murder was less than twelve (12) years of age.
- (13) The victim was a victim of any of the following offenses for which the defendant was convicted:
- (A) Battery as a Class D felony or as a Class C felony under IC 35-42-2-1.
 - (B) Kidnapping (IC 35-42-3-2).
 - (C) Criminal confinement (IC 35-42-3-3).
 - (D) A sex crime under IC 35-42-4.
- (14) The victim of the murder was listed by the state or known by the defendant to be a witness against the defendant and the defendant committed the murder with the intent to prevent the person from testifying.
- (15) The defendant committed the murder by intentionally discharging a firearm (as defined in IC 35-47-1-5):
- (A) into an inhabited dwelling; or
 - (B) from a vehicle.
- (16) The victim of the murder was pregnant and the murder resulted in the intentional killing of a fetus that has attained viability (as defined in IC 16-18-2-365).
- (c) The mitigating circumstances that may be considered under this section are as follows:
- (1) The defendant has no significant history of prior criminal conduct.
 - (2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.
 - (3) The victim was a participant in or consented to the defendant's conduct.
 - (4) The defendant was an accomplice in a murder committed by another person, and the defendant's participation was relatively minor.
 - (5) The defendant acted under the substantial domination of another person.
 - (6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.
 - (7) The defendant was less than eighteen (18) years of age at the time the murder was committed.
 - (8) Any other circumstances appropriate for consideration.
- (d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgment was entered on a guilty plea, **a jury**

shall be impaneled for the sentencing hearing unless the defendant waives this right. If the defendant waives the right to have a jury impaneled for the sentencing hearing, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The court shall instruct the jury concerning the statutory penalties for murder and any other offenses for which the defendant was convicted, the potential for consecutive or concurrent sentencing, and the availability of good time credit and clemency. The court shall instruct the jury that, in order for the jury to recommend to the court that the death penalty or life imprisonment without parole should be imposed, the jury must find at least one (1) aggravating circumstance beyond a reasonable doubt as described in subsection (l) and shall provide a special verdict form for each aggravating circumstance alleged. The defendant may present any additional evidence relevant to:

- (1) the aggravating circumstances alleged; or
- (2) any of the mitigating circumstances listed in subsection (c).

(e) For a defendant sentenced after June 30, 2002, except as provided by IC 35-36-9 or **IC 35-36-10**, if the hearing is by jury, the jury shall recommend to the court whether the death penalty or life imprisonment without parole, or neither, should be imposed. The jury may recommend:

- (1) the death penalty; or
- (2) life imprisonment without parole;

only if it makes the findings described in subsection (l). If the jury reaches a sentencing recommendation, the court shall sentence the defendant accordingly. After a court pronounces sentence, a representative of the victim's family and friends may present a statement regarding the impact of the crime on family and friends. The impact statement may be submitted in writing or given orally by the representative. The statement shall be given in the presence of the defendant.

(f) If a jury is unable to agree on a sentence recommendation after reasonable deliberations, the court shall discharge the jury and proceed as if the hearing had been to the court alone.

(g) If the hearing is to the court alone, except as provided by IC 35-36-9 or **IC 35-36-10**, the court shall:

- (1) sentence the defendant to death; or
- (2) impose a term of life imprisonment without parole;

only if it makes the findings described in subsection (l).

(h) If a court sentences a defendant to death, the court shall order the defendant's execution to be carried out not later than one (1) year and one (1) day after the date the defendant was convicted. The supreme court has exclusive jurisdiction to stay the execution of a death sentence. If the supreme court stays the execution of a death sentence, the supreme court shall order a new date for the defendant's execution.

(i) If a person sentenced to death by a court files a petition for postconviction relief, the court, not later than ninety (90) days after the date the petition is filed, shall set a date to hold a hearing to consider the petition. If a court does not, within the ninety (90) day period, set the date to hold the hearing to consider the petition, the court's failure to set the hearing date is not a basis for additional postconviction relief. The attorney general shall answer the petition for postconviction relief on behalf of the state. At the request of the attorney general, a prosecuting attorney shall assist the attorney general. The court shall enter written findings of fact and conclusions of law concerning the petition not later than ninety (90) days after the date the hearing concludes. However, if the court determines that the petition is without merit, the court may dismiss the petition within ninety (90) days without conducting a hearing under this subsection.

(j) A death sentence is subject to automatic review by the supreme court. The review, which shall be heard under rules adopted by the supreme court, shall be given priority over all

other cases. The supreme court's review must take into consideration all claims that the:

- (1) conviction or sentence was in violation of the:
 - (A) Constitution of the State of Indiana; or
 - (B) Constitution of the United States;
- (2) sentencing court was without jurisdiction to impose a sentence; and
- (3) sentence:
 - (A) exceeds the maximum sentence authorized by law; or
 - (B) is otherwise erroneous.

If the supreme court cannot complete its review by the date set by the sentencing court for the defendant's execution under subsection (h), the supreme court shall stay the execution of the death sentence and set a new date to carry out the defendant's execution.

(k) A person who has been sentenced to death and who has completed state postconviction review proceedings may file a written petition with the supreme court seeking to present new evidence challenging the person's guilt or the appropriateness of the death sentence if the person serves notice on the attorney general. The supreme court shall determine, with or without a hearing, whether the person has presented previously undiscovered evidence that undermines confidence in the conviction or the death sentence. If necessary, the supreme court may remand the case to the trial court for an evidentiary hearing to consider the new evidence and its effect on the person's conviction and death sentence. The supreme court may not make a determination in the person's favor nor make a decision to remand the case to the trial court for an evidentiary hearing without first providing the attorney general with an opportunity to be heard on the matter.

(l) Before a sentence may be imposed under this section, the jury, in a proceeding under subsection (e), or the court, in a proceeding under subsection (g), must find that:

- (1) the state has proved beyond a reasonable doubt that at least one (1) of the aggravating circumstances listed in subsection (b) exists; and
- (2) any mitigating circumstances that exist are outweighed by the aggravating circumstance or circumstances.

SECTION 4. [EFFECTIVE JULY 1, 2008] IC 35-36-10, as added by this act, and IC 35-50-2-3 and IC 35-50-2-9, both as amended by this act, apply only to crimes committed after June 30, 2008."

Page 2, line 10, delete "shall" and insert "may".

ReNUMBER all SECTIONS consecutively.

(Reference is to HB 1209 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 1.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1210, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 37, delete "teat" and insert "test".

(Reference is to HB 1210 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1211, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 1.

BARDON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1214, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 2.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, delete "by" and insert "pursuant to".

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 3. IC 22-4-25-1, AS AMENDED BY P.L.2-2007, SECTION 293, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the board for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. ~~No expenditure of this fund shall be made unless and until the board finds that no other funds are available or can properly be used to finance such expenditures, except that expenditures from said fund may be made for the purpose of acquiring lands and buildings or for the erection of buildings on lands so acquired which are deemed necessary by the board for the proper administration of this article.~~ The board shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been

lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) The board, subject to the approval of the budget agency and governor, is authorized and empowered to use all or any part of the funds in the special employment and training services fund for the purpose of acquiring suitable office space for the department by way of purchase, lease, contract, or in any part thereof to purchase land and erect thereon such buildings as the board determines necessary or to assist in financing the construction of any building erected by the state or any of its agencies wherein available space will be provided for the department under lease or contract between the department and the state or such other agency. The commissioner may transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of any land and buildings acquired for its use until such time as the full amount of the purchase price of such land and buildings and such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(c) The board may also transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of space used by the department in any building erected by the state or any of its agencies until such time as the department's proportionate amount of the purchase price of such building and the department's proportionate amount of such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(d) (b) Whenever the balance in the special employment and training services fund is deemed excessive by the ~~sixty-six and two-thirds percent (66 2/3%)~~ of the entire board, the board shall order payment into the unemployment insurance benefit fund of the amount of the special employment and training services fund deemed to be excessive.

(e) (c) Subject to the approval of the board and the availability of funds, on July 1, 2008, and each subsequent July 1, the commissioner may use not more than five shall release:

- (1) ~~one (1) million dollars (\$5,000,000) during a program year for (\$1,000,000) to the training provided by Ivy Tech Community College to participants in joint labor and management apprenticeship programs approved providers of apprenticeship training approved by the United States Department of Labor's Labor, Bureau of Apprenticeship and Training~~ Of the money allocated for training programs under this subsection, fifty percent (50%) is designated for industrial programs, and the remaining fifty (50%) percent is designated for building trade programs that have an educational contract for an apprenticeship technology degree with the state educational institution established under IC 21-22-2-1;
- (2) four million dollars (\$4,000,000) to the training providers of apprenticeship training approved by the

United States Department of Labor, Bureau of Apprenticeship and Training that have an educational contract for an apprenticeship technology degree with the state educational institution instituted and incorporated under IC 21-25-2-1; and

(3) two hundred fifty thousand dollars (\$250,000) for journeyman upgrade training to each of the state educational institutions described in subdivisions (1) and (2).

Each state educational institution described in this subsection is entitled to keep ten percent (10%) of the funds released under subdivisions (1) through (3) for the payment of costs of administering the funds. On each June 30 following the release of the funds, any funds under subdivisions (1) through (3) not used by the state educational institutions under this subsection shall be returned to the special employment and training services fund."

Page 3, line 6, delete "June 30, 2008." and insert "March 1, 2007."

(Reference is to HB 1219 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 5, nays 3.

NIEZGODSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1220, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, after "14." insert "Northwest Indiana".

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 15. North Central Indiana Transportation Tax Area

Sec. 1. As used in this chapter, "board" refers to the board of trustees of the commuter transportation district.

Sec. 2. As used in this chapter, "bonds" means bonds, notes, or other evidences of indebtedness issued by the development authority for the development of a north central Indiana rail improvement project.

Sec. 3. As used in this chapter, "commuter transportation district" refers to a commuter transportation district that:

- (1) is established under IC 8-5-15; and
- (2) has among its purposes the maintenance, operation, and improvement of passenger service over the Chicago, South Shore, and South Bend Railroad and any extension of that railroad.

Sec. 4. As used in this chapter, "covered taxes" means the state gross retail and use taxes imposed under this article.

Sec. 5. As used in this chapter, "eligible county" refers to the following:

- (1) A county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).
- (2) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).

Sec. 6. As used in this chapter, "north central Indiana rail improvement project" means a commuter transportation district project for any of the following purposes:

- (1) Improving access to the South Bend airport.
- (2) Relocating tracks in Michigan City.
- (3) Signal and catenary projects contained within an eligible county.

Sec. 7. (a) The combined territory of the eligible counties is designated as a transportation tax area that is entitled to a monthly allocation of covered taxes in the manner and amount provided by this chapter.

(b) Before September 1, 2008, the board shall submit to the department by certified mail a complete list of the following:

- (1) Employers in the transportation tax area.
- (2) Street names and the range of street numbers of each street in the transportation tax area.

The board shall update the list before July 1 of each year that begins after December 31, 2008.

(c) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a transportation tax area.

Sec. 8. A transportation tax area designated under section 7 of this chapter expires when the bonds, together with the interest on the bonds, and interest on unpaid installments of interest, and all costs and expenses in connection with an action or a proceeding by or on behalf of the holders, are fully met, paid, and discharged.

Sec. 9. The department shall before the tenth day of each month determine the total amount of covered taxes deposited in the state general fund under IC 6-2.5-10-1(b)(2) in the previous month that were:

- (1) remitted, in the case of the state gross retail tax deposits, by a retail merchant for retail transactions occurring in an eligible county; or
- (2) paid, in the case of the use tax deposits, by a person who resides or is domiciled in an eligible county.

Sec. 10. The amount of the monthly allocation of covered taxes that a transportation tax area is entitled to receive is equal to:

- (1) the amount determined under section 9 of this chapter; multiplied by
- (2) four and four-tenths percent (4.4%).

Sec. 11. (a) All allocations of covered taxes under this chapter for a transportation tax area shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the board on or before the twentieth day of each month.

(b) There is annually appropriated from the state general fund an amount sufficient to make the allocations required by this chapter.

Sec. 12. The board shall deposit all allocations received under this chapter in a segregated capital improvement fund that may be used only for a north central Indiana rail improvement project.

Sec. 13. (a) The board shall repay to the state general fund any amount that is paid to the board under section 11 of this chapter and used for a purpose other than a north central Indiana rail improvement project.

(b) Any state gross retail and use taxes deposited into the fund under section 12 of this chapter that remain in the fund when the transportation tax area expires must be transferred to the treasurer of state for deposit in the state general fund.

Sec. 14. This chapter expires on the earlier of:

- (1) December 31 of the calendar year in which the transportation tax area expires under section 8 of this chapter; or
- (2) December 31, 2043."

Page 6, after line 4, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2008] IC 6-2.5-15, as added by this act, applies to retail transactions occurring after June 30, 2008."

Renumber all SECTIONS consecutively.

(Reference is to HB 1220 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 5.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 3. IC 4-33-2-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 19. "Trustee" means a person granted the authority under IC 4-33-21 to conduct gambling operations on a riverboat for the mutual benefit of:

- (1) the state; and
- (2) the owner of the riverboat.

SECTION 4. IC 4-33-4-3, AS AMENDED BY P.L.170-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 3.

(a) The commission shall do the following:

- (1) Adopt rules that the commission determines necessary to protect or enhance the following:

- (A) The credibility and integrity of gambling operations authorized by this article.
- (B) The regulatory process provided in this article.

- (2) Conduct all hearings concerning civil violations of this article.

- (3) Provide for the establishment and collection of license fees and taxes imposed under this article.

- (4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.

- (5) Levy and collect penalties for noncriminal violations of this article.

- (6) Deposit the penalties in the state gaming fund established by IC 4-33-13.

- (7) Be present through the commission's gaming agents during the time gambling operations are conducted on a riverboat to do the following:

- (A) Certify the revenue received by a riverboat.
- (B) Receive complaints from the public.

- (C) Conduct other investigations into the conduct of the gambling games and the maintenance of the equipment that the commission considers necessary and proper.

- (8) Adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

- (A) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and
- (B) an emergency rule is likely to address the need.

- (9) Adopt rules to establish and implement a voluntary exclusion program that meets the requirements of subsection (c).

- (10) Establish by resolution the requirements for a power of attorney submitted under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16.

(b) The commission shall begin rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted under subsection (a)(8) not later than thirty (30) days after the adoption of the emergency rule under subsection (a)(8).

(c) Rules adopted under subsection (a)(9) must provide the following:

- (1) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program agrees to refrain from entering a riverboat or other facility under the jurisdiction of the commission.

(2) That the name of a person participating in the program will be included on a list of persons excluded from all facilities under the jurisdiction of the commission.

(3) Except as provided by rule of the commission, a person who participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.

(4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.

(5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program."

Page 4, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 7. IC 4-33-4-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 25.**

(a) The commission may designate a trustee if a person required to designate a trustee under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16 fails to designate a trustee before the fifth day preceding a commission meeting scheduled for commission action on:

- (1) the person's application for an owner's license or an operating agent's contract; or**
- (2) the renewal of the person's owner's license or operating agent contract.**

(b) The commission may impose a civil penalty upon a person who fails to designate a trustee before the deadline specified in subsection (a).

SECTION 8. IC 4-33-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 2.** (a) A person applying for an owner's license under this chapter must pay a nonrefundable application fee to the commission. The commission shall determine the amount of the application fee.

(b) An applicant must submit the following on forms provided by the commission:

- (1) If the applicant is an individual, two (2) sets of the individual's fingerprints.
- (2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) An applicant who applies after December 31, 2007, shall submit for the approval of the commission a written power of attorney designating the person who may serve as the person's trustee. The document submitted under this subsection must:

- (1) be executed in the manner required by IC 30-5;**
- (2) describe the powers that may be delegated to the proposed trustee; and**
- (3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10).**

A person may not exercise any powers delegated under a power of attorney submitted under this section unless the power of attorney is approved by the commission.

(d) The commission shall review the applications for an owner's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the owner's license.

(e) The costs of investigating an applicant for an owner's license under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant for an owner's license under this chapter must pay all additional costs that are:

- (1) associated with the investigation of the applicant; and
- (2) greater than the amount of the application fee paid by the applicant.

SECTION 9. IC 4-33-6-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 22.**

(a) This section applies to the renewal of an owner's license occurring after December 31, 2007.

(b) The commission may not renew an owner's license unless the commission:

- (1) receives a proposed power of attorney from the license owner;**
- (2) approves the trustee designated by the power of attorney; and**
- (3) approves the powers delegated to the trustee by the power of attorney.**

(c) A person who wishes to renew an owner's license shall submit for the approval of the commission a written power of attorney designating the person who may serve as the person's trustee. The document submitted under this subsection must:

- (1) be executed in the manner required by IC 30-5;**
- (2) describe the powers that may be delegated to the proposed trustee; and**
- (3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10).**

(d) A person may not exercise any powers delegated under a power of attorney submitted under this section unless the power of attorney is approved by the commission.

SECTION 10. IC 4-33-6.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 2.** (a) A person, including a person who holds or has an interest in an owner's license issued under this article, may file an application with the commission to serve as an operating agent under this chapter. An applicant must pay a nonrefundable application fee to the commission in an amount to be determined by the commission.

(b) An applicant must submit the following on forms provided by the commission:

- (1) If the applicant is an individual, two (2) sets of the individual's fingerprints.
- (2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) An applicant who applies after December 31, 2007, shall submit for the approval of the commission a written power of attorney designating the person who may serve as the person's trustee. The document submitted under this subsection must:

- (1) be executed in the manner required by IC 30-5;**
- (2) describe the powers that may be delegated to the proposed trustee; and**
- (3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10).**

A person may not exercise any powers delegated under a power of attorney submitted under this section unless the power of attorney is approved by the commission.

(d) The commission shall review the applications filed under this chapter and shall inform each applicant of the commission's decision.

(e) The costs of investigating an applicant to serve as an operating agent under this chapter shall be paid from the application fee paid by the applicant.

(f) An applicant to serve as an operating agent under this chapter must pay all additional costs that are:

- (1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the applicant.

SECTION 11. IC 4-33-6.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 16. (a) The person holding an operating agent contract on January 1, 2008, shall submit for the approval of the commission a written power of attorney designating the person who may serve as the person's trustee. The document submitted under this subsection must:

- (1) be executed in the manner required by IC 30-5;
- (2) describe the powers that may be delegated to the proposed trustee; and
- (3) conform with the requirements established by the commission under IC 4-33-4-3(a)(10).

(b) A person may not exercise any powers delegated under a power of attorney submitted under this section unless the power of attorney is approved by the commission.

SECTION 12. IC 4-33-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 1. Gambling may be conducted on a riverboat by:

- (1) a licensed ~~owners or owner;~~
- (2) an operating agent; ~~on riverboats; or~~
- (3) a trustee in accordance with IC 4-33-21.

SECTION 13. IC 4-33-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]:

Chapter 21. Riverboat Operations Temporarily Conducted by a Trustee

Sec. 1. This chapter applies only to a trustee acting under the authority of:

- (1) a written power of attorney approved by the commission under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16; and
- (2) a resolution made by the commission authorizing the trustee to commence gambling operations under this chapter.

Sec. 2. (a) IC 30-5 applies to a trustee exercising powers under this chapter.

(b) For purposes of IC 30-5, a trustee is an attorney in fact.

Sec. 3. (a) Subject to subsection (b), a trustee may temporarily conduct gambling operations on a riverboat owned by the person who designated the trustee in a written power of attorney approved by the commission under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16 if any of the following occurs:

- (1) The commission revokes the owner's license or operating agent contract.
- (2) The commission declines to renew the owner's license or operating agent contract.
- (3) A proposed transferee is denied an owner's license under this article when attempting to purchase the riverboat and an owner's license, but the person who attempted to sell the riverboat is unable to retain ownership of the riverboat under the terms of the transaction that is otherwise completed.
- (4) A proposed transferee is denied an operating agent contract under this article when attempting to purchase the riverboat and the operating agent contract, but the person who attempted to sell the riverboat is unable to retain ownership of the riverboat under the terms of the transaction that is otherwise completed.

(b) A trustee may not exercise any power delegated to the trustee until the commission adopts a resolution authorizing the trustee to commence gambling operations under this chapter.

(c) A power of attorney designating a trustee to conduct gambling operations on a riverboat is effective on the date

that the commission adopts a resolution authorizing the trustee to commence gambling operations under this chapter. The power of attorney remains in effect until the date that the trusteeship established by the operation of the power of attorney is terminated by resolution of the commission.

Sec. 4. A trustee that conducts gambling operations on a riverboat:

- (1) must conduct the gambling operations within the same standards for character, reputation, and financial integrity that are imposed upon a licensed owner by this article; and
- (2) is charged with all the duties imposed upon a licensed owner under this article.

Sec. 5. (a) A trustee acting under the authority of this chapter must fulfill the trustee's duties as a fiduciary for the owner of the riverboat. In addition, the trustee shall consider the effect of the trustee's actions upon:

- (1) the amount of taxes remitted by the trustee under IC 4-33-12 and IC 4-33-13;
- (2) the riverboat's dock city or county;
- (3) the riverboat employees; and
- (4) the creditors of the owner of the riverboat.

(b) In balancing the interests described in subsection (a), a trustee shall conduct gambling operations on the riverboat in a manner that enhances the credibility and integrity of riverboat gambling in Indiana while minimizing disruptions to tax revenues, incentive payments, employment, and credit obligations.

Sec. 6. (a) A person who directly or indirectly owns a riverboat that is the subject of a resolution described in section 3(b) of this chapter has one hundred eighty (180) days after the date on which the commission adopts the resolution to sell the riverboat (and its related properties described in section 7 of this chapter) to another person that:

- (1) satisfies the requirements of this article for obtaining an owner's license; and
- (2) is approved by the commission.

(b) If the person is unable to sell the riverboat (and its related properties described in section 7 of this chapter) in the time required by subsection (a), the trustee may take any action necessary to sell the properties to another person that:

- (1) satisfies the requirements of this article for obtaining an owner's license; and
- (2) is approved by the commission.

Sec. 7. A trustee may conduct the operations of any hotel, restaurant, golf course, or other amenity related to the riverboat operation that is the subject of a resolution described in section 3(b) of this chapter if the power to conduct the operation is delegated to the trustee in the power of attorney designating the trustee.

Sec. 8. A trustee is entitled to reasonable compensation for carrying out the duties imposed upon the trustee under this chapter. The trustee's compensation must be:

- (1) approved by the commission; and
- (2) paid by the owner of the riverboat that is the subject of a resolution described in section 3(b) of this chapter."

Page 4, line 10, delete "refund" and insert "deposit".

Page 4, line 11, delete "." and insert "into the property tax reduction trust fund established by IC 4-35-8-2.".

Renumber all SECTIONS consecutively.

(Reference is to HB 1224 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation,

to which was referred House Bill 1226, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning motor vehicles.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-42, AS AMENDED BY P.L.41-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana. **The term includes a person who sells off-road vehicles.** A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) A person who is a dealer solely because of activities as a transfer dealer.

~~(4) A person who sells off-road vehicles.~~

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6):

- (1) boats; or
- (2) trailers:
 - (A) designed and used exclusively for the transportation of watercraft; and
 - (B) sold in general association with the sale of watercraft;

per year.

SECTION 2. IC 9-13-2-150.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 150.5. **"Registered importer" has the meaning set forth in IC 9-17-2-0.5.**

SECTION 3. IC 9-17-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 0.5. **As used in this chapter, "registered importer" means a person:**

- (1) registered as an importer with the National Highway Traffic Safety Administration;
- (2) that is a licensed dealer currently in good standing with the state; and
- (3) that is a validated member of the United States Department of Homeland Security's Customs-Trade Partnership Against Terrorism (C-TPAT) administered by the United States Customs and Border Protection.

SECTION 4. IC 9-17-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

- (1) been in business for not less than five (5) years; and
- (2) sold not less than one hundred fifty (150) motor vehicles during the preceding year.

(b) This section does not apply to the following:

- (1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.
- (2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.
- (3) A motor vehicle that is registered under the International Registration Plan.
- (4) **A motor vehicle that is titled in a foreign country and imported by a registered importer, if:**

(A) the registered importer complies with section 12.5(a) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(5) A motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company, if:

(A) the financial institution, lending institution, or insurance company complies with section 12.5(b) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

- (1) An employee of a dealer designated by the bureau to perform an inspection.
- (2) A military policeman assigned to a military post in Indiana.
- (3) A police officer.
- (4) A designated employee of the bureau.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

- (1) Make a record of inspection upon the application form prepared by the bureau.
- (2) Verify the facts set out in the application.

SECTION 5. IC 9-17-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12.5. (a) **Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in a foreign country and imported by a registered importer without requiring an inspection under section 12(c) of this chapter if the registered importer presents the bureau with the following documentation relating to the motor vehicle:**

- (1) **A copy of the registered importer's validation agreement issued by the United States Customs and Border Protection (CBP).**
- (2) **A copy of the entry summary issued by the United States Customs and Border Protection (CBP Form 7501).**
- (3) **A vehicle history report issued by an independent provider of vehicle history information that includes:**
 - (A) the vehicle's title information;
 - (B) the vehicle's odometer readings; and
 - (C) the number of owners of the vehicle.

(b) **Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company if the financial institution, lending institution, or insurance company presents the bureau with a vehicle history report issued by an independent provider of vehicle history information that includes:**

- (1) the motor vehicle's title information;
- (2) the motor vehicle's odometer readings; and
- (3) the number of owners of the motor vehicle.

(c) **A:**

- (1) registered importer; or
- (2) financial institution, lending institution, or insurance company;

must maintain a copy of all documentation required by this section for at least ten (10) years.

(d) **An inspection of a motor vehicle described in subsection (a) or (b) is required under section 12(c) of this chapter if:**

- (1) the registered importer; or
- (2) the financial institution, lending institution, or insurance company;

is unable to provide the bureau with the documentation required by this section.

SECTION 6. IC 9-23-2-7, AS AMENDED BY P.L.184-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in subsections (b) through (g), the secretary of state shall issue an offsite sales license to a dealer licensed under this chapter who submits an application for the license not later than ten (10) business days or two (2) calendar weeks before the offsite sale date. License applications under this section shall be made public upon the request of any person.

(b) The secretary of state may not issue an offsite sales license to a dealer who does not have an established place of business within Indiana.

(c) The secretary of state may not issue an offsite sales license to a licensed dealer proposing to conduct the sale outside a radius of twenty (20) miles from its established place of business. This subsection does not apply to:

- (1) new manufactured housing dealers;
- (2) recreational vehicle dealers; ~~or~~
- (3) a rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates; **or**
- (4) off-road vehicle dealers.**

(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel and no sales material are present.

(e) The secretary of state may not issue an offsite sales license to a licensed dealer proposing to conduct the offsite sale for more than ten (10) calendar days.

(f) As used in this subsection, "executive" has the meaning set forth in IC 36-1-2-5. The secretary of state may not issue an offsite sales license to a licensed dealer if the dealer does not have authorization that the offsite sale would be in compliance with local zoning ordinances or other local ordinances. Authorization under this subsection may only be obtained from the following:

- (1) If the offsite sale would be located within the corporate boundaries of a city or town, the executive of the city or town.
- (2) If the offsite sale would be located outside the corporate boundaries of a city or town:
 - (A) except as provided in clause (B), the executive of the county; or
 - (B) if the city or town exercises zoning jurisdiction under IC 36-7-4-205(b) over the area where the offsite sale would be located, the executive of the city or town.

(g) The secretary of state may not issue an offsite sales license to a licensed dealer who has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite sale for which the current license application is being submitted.

(h) The requirements of section 2(c) of this chapter do not apply to the application or issuance of an offsite sales license under this section.

SECTION 7. IC 9-23-0.5-1 IS REPEALED [EFFECTIVE JULY 1, 2008].

SECTION 8. [EFFECTIVE JULY 1, 2008] **(a) Notwithstanding IC 9-13-2-42, as amended by this act, a person who engages in the business of selling at least twelve (12) off-road vehicles to the general public each year for delivery in Indiana whose business name begins with the letters A through L, inclusive, is not required to apply for a dealer's license under IC 9-23-2 with the bureau of motor vehicles until the month in 2009 required by IC 9-23-2-8.**

(b) This SECTION expires December 31, 2009.

(Reference is to HB 1226 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1245, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.5-6-18, AS AMENDED BY P.L.224-2007, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation ~~as provided in an election; if any, made by the county fiscal body under IC 36-9-4-42; established under IC 36-9-4;~~
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i);
- (6) make distributions of distributive shares to the civil taxing units of a county; and
- (7) make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and
- (2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this chapter) to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 2. IC 8-23-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 28. Funding to Establish a Regional Transportation Authority

Sec. 1. The regional transportation authority formation fund is established.

Sec. 2. The department shall administer the fund.

Sec. 3. Expenditures from the fund may be made only in accordance with this chapter.

Sec. 4. The department may use the money in the fund to provide matching grants to cities or counties that wish to establish a regional transportation authority under IC 36-9-3. The expenses in administering the fund and the grants shall be paid from the money in the fund.

Sec. 5. The amount of a grant provided under this chapter may not exceed twenty percent (20%) of the costs incurred by a city or county in establishing a regional transportation authority under IC 36-9-3.

Sec. 6. Each grant provided under this chapter must be matched by funds provided by the city or county applying for the grant under this chapter. The matching funds required by a city or county may be provided by any source

except other state funds.

Sec. 7. A city or county must apply for a grant under this chapter in the manner prescribed by the department.

Sec. 8. (a) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund to be used for any purpose for which funds may be used under this chapter.

Sec. 9. The fund consists of the following:

(1) Funds deposited by regional transit authorities under IC 36-9-42.

(2) Money received from any other source, including appropriations.

Sec. 10. The department shall notify all regional transit authorities (as defined in IC 36-9-42) when the aggregate total of all deposits by the regional transit authorities under IC 36-9-42 has reached one million dollars (\$1,000,000).

SECTION 3. IC 36-9-4-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 42. (a) A municipality or a public transportation corporation that expends money for the establishment or maintenance of an urban mass transportation system under this chapter may acquire the money for these expenditures:

- (1) by issuing bonds under section 43 or 44 of this chapter;
- (2) by borrowing money made available for such purposes by any source;
- (3) by accepting grants or contributions made available for such purposes by any source;
- (4) in the case of a municipality, by appropriation from the general fund of the municipality, or from a special fund that the municipal legislative body includes in the municipality's budget; or
- (5) in the case of a public transportation corporation, **one**

(1) or both of the following:

(A) By levying a tax under section 49 of this chapter. or

(B) By recommending an election electing to use revenue from the county option income taxes, as provided in subsection (c).

(b) Money may be acquired under this section for the purpose of exercising any of the powers granted by or incidental to this chapter, including:

- (1) studies under section 4, 9, or 11 of this chapter;
- (2) grants in aid;
- (3) the purchase of buses or real property by a municipality for lease to an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the buses or real property;
- (4) the acquisition by a public transportation corporation of property of an urban mass transportation system, including the payment of any amount outstanding under a mortgage, contract of sale, or other security device that may attach to the property;
- (5) the operation of an urban mass transportation system by a public transportation corporation, including the acquisition of additional property for such a system; and
- (6) the retirement of bonds issued and outstanding under this chapter.

(c) This subsection applies only to a public transportation corporation located in a county having a consolidated city. In order to provide revenue to a During each year that the county option income tax is in effect in the county, the public transportation corporation during a year; the public transportation corporation board may recommend and the county fiscal body may elect to provide revenue to the corporation shall receive three percent (3%) from the part of the certified distribution, if

any, that the county is to receive during that same year under IC 6-3.5-6-17. ~~To make the election, the county fiscal body must adopt an ordinance before September 1 of the preceding year. The county fiscal body must specify in the ordinance the amount of the certified distribution that is to be used to provide revenue to the corporation. If such an ordinance is adopted, the county fiscal body shall immediately send a copy of the ordinance to the county auditor."~~

Page 1, line 5, delete "to all units except townships." and insert **"only to units:**

- (1) that are not townships; and**
- (2) that are located within the boundaries of a regional transit authority.**

Page 2, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 6. As used in this chapter, "regional transit authority" means an entity:

- (1) that is eligible to receive federal transportation funding under Title 49 of the United States Code; and**
- (2) that is either:**
 - (A) a regional transportation authority established under IC 36-9-3; or**
 - (B) the northwest Indiana regional development authority established under IC 36-7.5-2-1."**

Page 2, line 29, delete "6." and insert "7."

Page 2, line 31, after "." insert **"The territorial boundaries of the district may not extend beyond the boundaries of the regional transit authority within which the unit is located."**

Page 2, line 32, delete "7. (a)" and insert "8."

Page 2, delete lines 38 through 42.

Delete pages 3 through 7.

Page 8, delete lines 1 through 26.

Page 8, line 27, delete "18" and insert "9".

Page 8, line 32, delete "19" and insert "10".

Page 9, line 20, delete "20" and insert "11".

Page 9, line 21, delete "20" and insert "11".

Page 9, line 23, delete "19" and insert "10".

Page 9, line 24, after "fund" insert **"shall be appropriated by the fiscal body of the unit that created the transit district to the regional transit authority that has boundaries containing the transit district."**

Sec. 12. (a) Except as provided in subsection (b), the funds appropriated to the regional transit authority under section 11 of this chapter may only be used for the purposes of the regional transit authority authorized by the statute under which the authority was established as listed in section (6)(2) of this chapter.

(b) Except as provided in subsection (c), each regional transit authority receiving an appropriation under section 10 of this chapter shall deposit twenty-five percent (25%) of each appropriation into the regional transportation authority formation fund established under IC 8-23-28-1.

(c) A regional transit authority is not required to make the deposit required under subsection (b) if the aggregate total of all deposits made by regional transit authorities under subsection (b) has reached one million dollars (\$1,000,000)."

Page 9, delete lines 25 through 42.

Page 10, delete lines 1 through 12.

Renumber all SECTIONS consecutively.

(Reference is to HB 1245 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 7.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1246, has had the same under consideration

and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "Virtual Learning Cooperative" and insert **"Concurrent Enrollment Partnership"**.

Page 1, line 5, delete "'base school corporation" means" and insert **"concurrent enrollment partnership" refers to the Indiana concurrent enrollment partnership established by section 2 of this chapter.**

Sec. 2. The Indiana concurrent enrollment partnership is established to foster innovation and collaboration among state educational institutions and school corporations. The partnership shall:

- (1) organize the concurrent enrollment partnership;**
- (2) establish unified rigorous academic standards, assessment requirements, and share best practices that comply with appropriate national accreditation standards for concurrent enrollment programs under IC 21-43-5;**
- (3) coordinate outreach and recruitment of Indiana students and teachers to participate in concurrent enrollment programs;**
- (4) create an implementation plan to identify up to thirty (30) courses from the core transfer library established under IC 21-42-5-1 that would be available to each high school student who qualifies to participate in the double up college program under IC 21-43-5 by July 1, 2009;**
- (5) develop and submit an annual report on the programs listed under IC 21-43-5-4(a) to the department of education and the commission for higher education before July 1 of each year; and**
- (6) offer recommendations on concurrent enrollment matters as requested by the state board of education and the commission for higher education.**

Sec. 3. Membership in the concurrent enrollment partnership shall include the following:

- (1) Concurrent enrollment directors from each state educational institution that participates in the dual enrollment partnership.**
- (2) An individual appointed by the superintendent of public instruction.**
- (3) An individual appointed by the commission for higher education.**
- (4) An individual appointed by the Indiana Association of School Business Officials.**
- (5) An individual appointed by the Indiana Association of School Boards.**
- (6) An individual appointed by the Indiana Association of School Principals representing a secondary school.**
- (7) A high school teacher participating in a concurrent enrollment program appointed by the principal of the high school with the largest total headcount enrollment in concurrent enrollment programs offered by state educational institutions.**

Sec. 4. (a) The chair of the concurrent enrollment partnership shall be elected by a majority of all dual enrollment partnership members at the initial meeting of the partnership.

(b) The chair shall call the meetings of the partnership.

(c) The chair shall serve for a two (2) year term.

Sec. 5. The commission for higher education shall provide staff and budgetary support for the concurrent enrollment partnership.

Sec. 6. This chapter expires July 1, 2016."

Page 1, delete lines 6 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 40.

Page 6, delete lines 34 through 42.

Page 7, delete lines 1 through 15.

Page 7, line 27, delete "college head start courses (as defined

in IC 21-42-1-2.5)." and insert **"college introductory courses designated by the commission under IC 21-42-5-1(b)."**.

Page 7, delete lines 28 through 36.

Page 8, line 3, delete ", with".

Page 8, delete line 4.

Page 8, line 5, delete "articulation,".

Page 8, line 6, delete "head start".

Page 8, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 14. IC 21-43-2-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The concurrent enrollment partnership (established under IC 20-20-36) shall develop a plan to align dual credit program among Indiana high schools and state educational institutions.

SECTION 15. IC 21-43-2-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. The concurrent enrollment partnership (established under IC 20-20-36) shall create an implementation plan to make available to each high school student up to five (5) postsecondary courses."

Page 9, delete lines 5 through 9.

Page 9, after line 9, begin a new paragraph and insert:

"(c) The commission for higher education shall develop and submit an annual report on the programs listed under subsection (a) to the department of education and to the general assembly before July 1 of each year. A report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.

SECTION 17. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "committee" refers to the interim study committee on K-12 virtual learning.

(b) There is established the interim study committee on K-12 virtual learning. The committee shall review and make recommendations to the general assembly, the state board of education, and the department of education on the following:

(1) The availability of virtual learning for K-12 students in Indiana.

(2) How virtual learning services are being provided by other states and through state departments of education.

(3) Standards of quality and alignment with Indiana's content standards recommended for virtual learning.

(4) Accreditation standards and pricing for virtual learning services if provided by a private provider or nonaccredited nonpublic school.

(5) Tuition reimbursement for students who enroll in courses that are provided outside their home school corporation.

(6) Other issues that may be determined as necessary to make recommendations by the interim study committee.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires November 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to HB 1246 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1249, has had the same

under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-14-1-4, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. "Eligible applicant":

(1) for purposes of IC 21-14-4, refers to a person who is eligible for an educational costs exemption for children of veterans under IC 21-14-4;

(2) for purposes of IC 21-14-6, refers to a person who is eligible for an educational costs exemption for the children or surviving spouse of a public safety officer under IC 21-14-6; and

(3) for purposes of IC 21-14-7, refers to a person who is eligible for an educational costs exemption for children and spouses of National Guard members under IC 21-14-7.

(4) for purposes of IC 21-14-10, refers to a person who is eligible for an educational costs exemption for Purple Heart recipients under IC 21-14-10."

Page 1, between lines 11 and 12, begin a new line block indented and insert:

"(4) after September 10, 2001, suffers a service connected disability of at least twenty percent (20%), as determined by the United States Department of Veterans Affairs;"

Page 1, line 12, delete "(4)" and insert "(5)".

Page 1, line 15, delete "(5)" and insert "(6)".

Page 3, after line 11, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2008] IC 21-14-10, as added by this act, applies to eligible applicants who matriculate at a state educational institution after June 30, 2009."

Renumber all SECTIONS consecutively.

(Reference is to HB 1249 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

TINCHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1253, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1259, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "The commission shall adopt rules under IC 4-22-2" and insert **"(a) This section applies to a new swimming pool that:**

(1) is completely above ground;

(2) has walls that are at least forty-eight (48) inches high; and

(3) is sold:

(A) in Indiana; and

(B) after July 1, 2008.

(b) The commission shall adopt rules under IC 4-22-2 requiring a swimming pool described in subsection (a) to

have an access ladder or steps that may be:

(1) secured and locked; or

(2) removed;

when the swimming pool is not in use."

Page 2, delete lines 1 through 5.

(Reference is to HB 1259 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1273, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 8.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1275, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 2.

V. SMITH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1276, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1277, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 3.

NIEZGODSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, after "listed" insert "or eligible for listing".

Page 2, line 6, delete "is certified to meet at least:" and insert **"be designed with the goal of achieving:"**.

Page 2, line 9, delete "or".

Page 2, between lines 9 and 10, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 2, line 10, delete "(2)" and insert "(3)".

Page 2, line 15, delete "reconstruction, repair," and insert **"reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:"**.

Page 2, delete line 16.

Page 2, line 19, delete "or".

Page 2, between lines 19 and 20, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 2, line 20, delete "(2)" and insert "(3)".

Page 2, between lines 22 and 23, begin a new paragraph and insert:

"(d) The division shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section."

Page 2, line 36, after "listed" insert **"or eligible for listing"**.

Page 3, line 3, delete "meets at least:" and insert **"be designed with the goal of achieving:"**.

Page 3, line 6, delete "or".

Page 3, between lines 6 and 7, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 3, line 7, delete "(2)" and insert "(3)".

Page 3, line 12, delete "reconstruction, repair," and insert **"reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:"**.

Page 3, delete line 13.

Page 3, line 16, delete "or".

Page 3, between lines 16 and 17, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 3, line 17, delete "(2)" and insert "(3)".

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"(d) The contracting agency shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section."

Page 3, line 42, after "listed" insert **"or eligible for listing"**.

Page 4, line 8, delete "meets at least:" and insert **"be designed with the goal of achieving:"**.

Page 4, line 11, delete "or".

Page 4, between lines 11 and 12, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 4, line 12, delete "(2)" and insert "(3)".

Page 4, line 17, delete "reconstruction, repair, alteration," and insert **"reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:"**.

Page 4, delete line 18.

Page 4, line 21, delete "or".

Page 4, between lines 21 and 22, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 4, line 22, delete "(2)" and insert "(3)".

Page 4, between lines 24 and 25, begin a new paragraph and insert:

"(d) The university shall seek certification through the rating system that is appropriate to the contract for a

building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section."

Page 5, line 24, after "listed" insert "**or eligible for listing**".

Page 5, line 33, delete "is certified to meet at least:" and insert "**be designed with the goal of achieving:**".

Page 5, line 36, delete "or".

Page 5, between lines 36 and 37, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 5, line 37, delete "(2)" and insert "(3)".

Page 5, line 42, delete "reconstruction, repair," and insert "**reconstructed, repaired, altered, or retrofitted building or structure be designed with the goal of achieving:**".

Page 6, delete line 1.

Page 6, line 4, delete "or".

Page 6, between lines 4 and 5, begin a new line block indented and insert:

"(2) the Green Globes Two Globes level; or".

Page 6, line 5, delete "(2)" and insert "(3)".

Page 6, between lines 7 and 8, begin a new paragraph and insert:

"(e) The political subdivision shall seek certification through the rating system that is appropriate to the contract for a building or structure that is constructed, reconstructed, repaired, altered, or retrofitted under a contract that is subject to this section."

(Reference is to HB 1280 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1284, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-1-3.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Upon determining that an examination should be conducted, the commissioner or the commissioner's designee shall issue an examination warrant appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. In conducting the examination, the examiner shall observe those guidelines and procedures set forth in the NAIC examiner's handbook. The commissioner may also employ such other guidelines or procedures as the commissioner considers appropriate. The commissioner is not required to issue an examination warrant for a data call.

(b) Every company or person from whom information is sought, and the officers, directors, and agents of the company or person, must provide to the examiners appointed under subsection (a) timely, convenient, and free access at all reasonable hours at its offices to all books, records, accounts, papers, documents, and any or all computer or other recordings relating to the property, assets, business, and affairs of the company being examined. The officers, directors, employees, and agents of the company or person must facilitate the examination and aid in the examination so far as it is in their power to do so. The refusal of any company, by its officers, directors, employees, or agents within the company's control, to submit to examination or to comply with any reasonable written request of the examiners, or the failure of any company to make a good faith effort to require compliance with such a request, is grounds for:

- (1) suspension;
- (2) refusal; or
- (3) nonrenewal;

of any license or authority held by the company to engage in an insurance or other business subject to the commissioner's jurisdiction. The commissioner may proceed to suspend or revoke a license or authority upon the grounds set forth in this subsection under IC 27-1-3-10 or IC 27-1-3-19.

(c) The commissioner and the commissioner's examiners may issue subpoenas, administer oaths, and examine under oath any person as to any matter pertinent to an examination conducted under this chapter. Upon the failure or refusal of any person to obey a subpoena, the commissioner may petition a court of competent jurisdiction, and upon proper showing, the court may enter any order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order is punishable as contempt of court.

(d) When making an examination under this chapter, the commissioner may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals and specialists as examiners. The cost of retaining these examiners shall be borne by the company that is the subject of the examination.

(e) This chapter does not limit the commissioner's authority to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to this title. Findings of fact and conclusions made pursuant to any examination shall be prima facie evidence in any legal or regulatory action."

Page 1, line 3, delete "subsection (b)," and insert "**subsections (b) and (c),"**

Page 1, after line 17, begin a new paragraph and insert:

"(c) An insurer shall not issue the following on a group basis:

- (1) A personal policy that insures loss of or damage to:**
 - (A) real property consisting of not more than four (4) residential units, one (1) of which is the principal place of residence of the named insured; or**
 - (B) personal property:**

- (i) in which the named insured has an insurable interest; and**

- (ii) that is used within a residential dwelling for personal, family, or household purposes.**

- (2) A personal policy that provides any type of insurance described in IC 27-1-5-1, Class 2(f).**

(d) The commissioner may adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 27-1-12-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 40. Except for a policy that conforms to the description in section 37(2) of this chapter, a group life insurance policy may be extended to insure the employees or members, or any class or classes of employees or members, against loss due to the death of their spouses and dependent children, subject to the following:

- (1) The premium for the insurance must be paid either from funds contributed by the employer, union, association, or other person to whom the policy has been issued, from funds contributed by the covered persons, or from both sources of funds. Except as provided in subdivision (2), a policy on which no part of the premium for the spouse's and dependent child's coverage is to be derived from funds contributed by the covered persons must insure all eligible employees or members, or any class or classes of eligible employees or members, with respect to their spouses and dependent children.**

- (2) An insurer may exclude or limit the coverage on any spouse or dependent child as to whom evidence of individual insurability is not satisfactory to the insurer.**

- (3) The amounts of insurance for any covered spouse or dependent child under the policy may not exceed fifty**

percent (50%) of the amount of insurance for which the employee or member is insured.

SECTION 4. IC 27-8-5-1.5, AS ADDED BY P.L.173-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1.5. (a) This section applies to a policy of accident and sickness insurance issued on an individual, a group, a franchise, or a blanket basis, including a policy issued by an assessment company or a fraternal benefit society.

(b) As used in this section, "commissioner" refers to the insurance commissioner appointed under IC 27-1-1-2.

(c) As used in this section, "grossly inadequate filing" means a policy form filing:

- (1) that fails to provide key information, including state specific information, regarding a product, policy, or rate; or
- (2) that demonstrates an insufficient understanding of applicable legal requirements.

(d) As used in this section, "policy form" means a policy, a contract, a certificate, a rider, an endorsement, an evidence of coverage, or any amendment that is required by law to be filed with the commissioner for approval before use in Indiana.

(e) As used in this section, "type of insurance" refers to a type of coverage listed on the National Association of Insurance Commissioners Uniform Life, Accident and Health, Annuity and Credit Product Coding Matrix, or a successor document, under the heading "Continuing Care Retirement Communities", "Health", "Long Term Care", or "Medicare Supplement".

(f) Each person having a role in the filing process described in subsection (i) shall act in good faith and with due diligence in the performance of the person's duties.

(g) A policy form may not be issued or delivered in Indiana unless the policy form has been filed with and approved by the commissioner.

(h) The commissioner shall do the following:

- (1) Create a document containing a list of all product filing requirements for each type of insurance, with appropriate citations to the law, administrative rule, or bulletin that specifies the requirement, including the citation for the type of insurance to which the requirement applies.
- (2) Make the document described in subdivision (1) available on the department of insurance Internet site.
- (3) Update the document described in subdivision (1) at least annually and not more than thirty (30) days following any change in a filing requirement.

(i) The filing process is as follows:

(1) A filer shall submit a policy form filing that:

- (A) includes a copy of the document described in subsection (h);
- (B) indicates the location within the policy form or supplement that relates to each requirement contained in the document described in subsection (h); and
- (C) certifies that the policy form meets all requirements of state law.

(2) The commissioner shall review a policy form filing and, not more than thirty (30) days after the commissioner receives the filing under subdivision (1):

- (A) approve the filing; or
- (B) provide written notice of a determination:
 - (i) that deficiencies exist in the filing; or
 - (ii) that the commissioner disapproves the filing.

A written notice provided by the commissioner under clause (B) must be based only on the requirements set forth in the document described in subsection (h) and must cite the specific requirements not met by the filing. A written notice provided by the commissioner under clause (B)(i) must state the reasons for the commissioner's determination in sufficient detail to enable the filer to bring the policy form into compliance with the requirements not met by the filing.

(3) A filer may resubmit a policy form that:

- (A) was determined deficient under subdivision (2) and has been amended to correct the deficiencies; or
- (B) was disapproved under subdivision (2) and has been revised.

A policy form resubmitted under this subdivision must meet the requirements set forth as described in subdivision (1) and must be resubmitted not more than thirty (30) days after the filer receives the commissioner's written notice of deficiency or disapproval. If a policy form is not resubmitted within thirty (30) days after receipt of the written notice, the commissioner's determination regarding the policy form is final.

(4) The commissioner shall review a policy form filing resubmitted under subdivision (3) and, not more than thirty (30) days after the commissioner receives the resubmission:

- (A) approve the resubmitted policy form; or
- (B) provide written notice that the commissioner disapproves the resubmitted policy form.

A written notice of disapproval provided by the commissioner under clause (B) must be based only on the requirements set forth in the document described in subsection (h), must cite the specific requirements not met by the filing, and must state the reasons for the commissioner's determination in detail. The commissioner's approval or disapproval of a resubmitted policy form under this subdivision is final, except that the commissioner may allow the filer to resubmit a further revised policy form if the filer, in the filer's resubmission under subdivision (3), introduced new provisions or materially modified a substantive provision of the policy form. If the commissioner allows a filer to resubmit a further revised policy form under this subdivision, the filer must resubmit the further revised policy form not more than thirty (30) days after the filer receives notice under clause (B), and the commissioner shall issue a final determination on the further revised policy form not more than thirty (30) days after the commissioner receives the further revised policy form.

(5) If the commissioner disapproves a policy form filing under this subsection, the commissioner shall notify the filer, in writing, of the filer's right to a hearing as described in subsection (m). ~~The A disapproved policy form filing may not be disapproved used for a policy of accident and sickness insurance unless it contains a material error or omission. At any the disapproval is overturned in a hearing conducted under this subsection, the commissioner must prove that the policy form contains a material error or omission.~~

(6) If the commissioner does not take any action on a policy form that is filed or resubmitted under this subsection in accordance with any applicable period specified in subdivision (2), (3), or (4), the policy form filing is considered to be approved.

(j) Except as provided in this subsection, the commissioner may not disapprove a policy form resubmitted under subsection (i)(3) or (i)(4) for a reason other than a reason specified in the original notice of determination under subsection (i)(2)(B). The commissioner may disapprove a resubmitted policy form for a reason other than a reason specified in the original notice of determination under subsection (i)(2) if:

- (1) the filer has introduced a new provision in the resubmission;
- (2) the filer has materially modified a substantive provision of the policy form in the resubmission;
- (3) there has been a change in requirements applying to the policy form; or
- (4) there has been reviewer error and the written disapproval fails to state a specific requirement with which

the policy form does not comply.

(k) The commissioner may return a grossly inadequate filing to the filer without triggering a deadline set forth in this section.

(l) The commissioner may disapprove a policy form if:

- (1) the benefits provided under the policy form are not reasonable in relation to the premium charged; or
- (2) the policy form contains provisions that are unjust, unfair, inequitable, misleading, or deceptive, or that encourage misrepresentation of the policy.

(m) Upon disapproval of a filing under this section, the commissioner shall provide written notice to the filer or insurer of the right to a hearing within twenty (20) days of a request for a hearing.

(n) Unless a policy form approved under this chapter contains a material error or omission, the commissioner may not:

- (1) retroactively disapprove the policy form; or
- (2) examine the filer of the policy form during a routine or targeted market conduct examination for compliance with a policy form filing requirement that was not in existence at the time the policy form was filed.

SECTION 5. IC 27-8-5-2, AS AMENDED BY P.L.218-2007, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) No individual policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless it complies with each of the following:

- (1) The entire money and other considerations for the policy are expressed in the policy.
- (2) The time at which the insurance takes effect and terminates is expressed in the policy.
- (3) The policy purports to insure only one (1) person, except that a policy must insure, originally or by subsequent amendment, upon the application of any member of a family who shall be deemed the policyholder and who is at least eighteen (18) years of age, any two (2) or more eligible members of that family, including husband, wife, dependent children, or any children who are less than twenty-four (24) years of age, and any other person dependent upon the policyholder.
- (4) The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightface type of a style in general use, the size of which shall be uniform and not less than ten point with a lower-case unspaced alphabet length not less than one hundred and twenty point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions).
- (5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in section 3 of this chapter, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS", or "EXCEPTIONS AND REDUCTIONS", provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.
- (6) Each such form of the policy, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page of the policy.
- (7) The policy contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the

commissioner.

(8) If an individual accident and sickness insurance policy or hospital service plan contract or medical service plan contract provides that hospital or medical expense coverage of a dependent child terminates upon attainment of the limiting age for dependent children specified in such policy or contract, the policy or contract must also provide that attainment of such limiting age does not operate to terminate the hospital and medical coverage of such child while the child is and continues to be both:

- (A) incapable of self-sustaining employment by reason of mental retardation or mental or physical disability; and
- (B) chiefly dependent upon the policyholder for support and maintenance.

Proof of such incapacity and dependency must be furnished to the insurer by the policyholder within thirty-one (31) days of the child's attainment of the limiting age. The insurer may require at reasonable intervals during the two (2) years following the child's attainment of the limiting age subsequent proof of the child's disability and dependency. After such two (2) year period, the insurer may require subsequent proof not more than once each year. The foregoing provision shall not require an insurer to insure a dependent who is a child who has mental retardation or a mental or physical disability where such dependent does not satisfy the conditions of the policy provisions as may be stated in the policy or contract required for coverage thereunder to take effect. In any such case the terms of the policy or contract shall apply with regard to the coverage or exclusion from coverage of such dependent. This subsection applies only to policies or contracts delivered or issued for delivery in this state more than one hundred twenty (120) days after August 18, 1969.

(b) If any policy is issued by an insurer domiciled in this state for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection (a) and in section 3 of this chapter.

(c) An insurer may issue a policy described in this section in electronic or paper form. However, the insurer shall:

- (1) inform the insured that the insured may request the policy in paper form; and
- (2) issue the policy in paper form upon the request of the insured.

(d) An insurer shall, for purposes of coverage of a child who is less than twenty-four (24) years of age and not dependent on the policyholder as described in subsection (a)(3), do all of the following:

(1) Provide to each policyholder at the time of application, amendment, or renewal of a policy of accident and sickness insurance written notice that:

(A) is provided in a document that is separate from any other document provided to the policyholder; and

(B) clearly explains:

(i) that a child who is less than twenty-four (24) years of age and not dependent on the policyholder will be covered upon the request of the policyholder; and

(ii) the manner and form in which the policyholder must request the coverage.

(2) Allow at least thirty (30) days after a policyholder receives the notice required by subdivision (1) for the policyholder to make a request for the coverage.

(3) Immediately provide the coverage to the individual for whom a request for coverage is made, without any

limitation or exclusion of coverage related to a preexisting condition.

SECTION 6. IC 27-8-5-28, AS ADDED BY P.L.218-2007, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. (a) A policy of accident and sickness insurance may not be issued, delivered, amended, or renewed unless the policy provides for coverage of a child of the policyholder or certificate holder, upon request of the policyholder or certificate holder, until the date that the child becomes twenty-four (24) years of age.

(b) An insurer shall, for purposes of coverage of a child under subsection (a), do all of the following:

(1) Provide to each policyholder or certificate holder at the time of application, amendment, or renewal of a policy of accident and sickness insurance written notice that:

(A) is provided in a document that is separate from any other document provided to the policyholder or certificate holder; and

(B) clearly explains:

(i) that a child who is less than twenty-four (24) years of age will be covered upon the request of the policyholder or certificate holder; and

(ii) the manner and form in which the policyholder or certificate holder must request the coverage.

(2) Allow at least thirty (30) days after a policyholder or certificate holder receives the notice required by subdivision (1) for the policyholder or certificate holder to make a request for the coverage.

(3) Immediately provide the coverage to the child for whom a request for coverage is made, without any:

(A) limitation or exclusion of coverage related to a preexisting condition; or

(B) requirement that the child:

(i) wait for an open enrollment period; or

(ii) be otherwise treated as a late enrollee (as defined in 26 U.S.C. 9801(b)(3)).

SECTION 7. IC 27-13-7-3, AS AMENDED BY P.L.218-2007, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A contract referred to in section 1 of this chapter must clearly state the following:

- (1) The name and address of the health maintenance organization.
- (2) Eligibility requirements.
- (3) Benefits and services within the service area.
- (4) Emergency care benefits and services.
- (5) Any out-of-area benefits and services.
- (6) Copayments, deductibles, and other out-of-pocket costs.
- (7) Limitations and exclusions.
- (8) Enrollee termination provisions.
- (9) Any enrollee reinstatement provisions.
- (10) Claims procedures.
- (11) Enrollee grievance procedures.
- (12) Continuation of coverage provisions.
- (13) Conversion provisions.
- (14) Extension of benefit provisions.
- (15) Coordination of benefit provisions.
- (16) Any subrogation provisions.
- (17) A description of the service area.
- (18) The entire contract provisions.
- (19) The term of the coverage provided by the contract.
- (20) Any right of cancellation of the group or individual contract holder.
- (21) Right of renewal provisions.
- (22) Provisions regarding reinstatement of a group or an individual contract holder.
- (23) Grace period provisions.
- (24) A provision on conformity with state law.

(25) A provision or provisions that comply with the:

(A) guaranteed renewability; and

(B) group portability;

requirements of the federal Health Insurance Portability and Accountability Act of 1996 (26 U.S.C. 9801(c)(1)).

(26) That the contract provides, upon request of the subscriber, coverage for a child of the subscriber until the date the child becomes twenty-four (24) years of age.

(b) For purposes of subsection (a), an evidence of coverage which is filed with a contract may be considered part of the contract.

(c) A health maintenance organization shall, for purposes of coverage of a child as described in subsection (a)(26), do all of the following:

(1) Provide to each subscriber at the time of application, amendment, or renewal of an individual contract or a group contract written notice that:

(A) is provided in a document that is separate from any other document provided to the subscriber; and

(B) clearly explains:

(i) that a child who is less than twenty-four (24) years of age will be covered upon the request of the subscriber; and

(ii) the manner and form in which the subscriber must request the coverage.

(2) Allow at least thirty (30) days after a subscriber receives the notice required by subdivision (1) for the subscriber to make a request for the coverage.

(3) Immediately provide the coverage to the child for whom a request for coverage is made, without any:

(A) limitation or exclusion of coverage related to a preexisting condition; or

(B) requirement that the child:

(i) wait for an open enrollment period; or

(ii) be otherwise treated as a late enrollee (as defined in 26 U.S.C. 9801(b)(3)).

Renumber all SECTIONS consecutively.

(Reference is to HB 1284 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Small Business and Economic Development, to which was referred House Bill 1286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "JULY 1, 2008]:" and insert "UPON PASSAGE]:".

Page 5, after line 40, begin a new paragraph and insert:

"SECTION 2. An emergency is declared for this act."

(Reference is to HB 1286 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ORENTLICHER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1288, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1290, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1293, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 8. IC 6-3.1-32.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 32.5. Property Maintenance Credit

Sec. 1. As used in this chapter, "pass through entity" means:

- (1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) a partnership;
- (3) a limited liability company; or
- (4) a limited liability partnership.

Sec. 2. As used in this chapter, "PMA certification" means a certification received from a municipality under IC 36-7-35 for qualified expenditures made on property in a property maintenance area.

Sec. 3. As used in this chapter, "PMA ordinance" means an ordinance adopted by the fiscal body of a municipality under IC 36-7-35.

Sec. 4. (a) As used in this chapter, "property" means a building or structure:

- (1) assessed as real property under IC 6-1.1-4; and
- (2) listed in a PMA ordinance.

(b) The term does not include land.

Sec. 5. As used in this chapter, "property maintenance area" means an area established by a municipality under IC 36-7-35-9.

Sec. 6. As used in this chapter, "qualified expenditure" means an expenditure made by a taxpayer for maintenance activities that qualify the taxpayer for a credit under this chapter as determined under a PMA ordinance adopted under IC 36-7-35-9.

Sec. 7. As used in this chapter, "state tax liability" means a taxpayer's total tax liability incurred under IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax), as computed after the application of all credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 8. As used in this chapter, "taxpayer" means an individual, a corporation, an S corporation, a partnership, a limited liability company, a limited liability partnership, a nonprofit organization, or a joint venture.

Sec. 9. A taxpayer that has received a PMA certification is entitled to a credit against the taxpayer's state tax liability equal the lesser of:

- (1) fifty percent (50%) of the qualified expenditures certified in the PMA certification; or
- (2) one thousand five hundred dollars (\$1,500).

Sec. 10. In the case of a husband and wife who:

- (1) own property jointly; and
- (2) file separate tax returns;

the husband and wife may take the credit permitted under

this chapter in equal shares or one (1) spouse may take the whole credit.

Sec. 11. (a) If a pass through entity is entitled to a credit under this chapter but does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled.

(b) The credit provided under subsection (a) is in addition to a tax credit to which a shareholder, partner, or member of a pass through entity is otherwise entitled under this chapter. However, a pass through entity and a shareholder, partner, or member of the pass through entity may not claim more than one (1) credit for the same maintenance activity.

Sec. 12. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue all information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter. The taxpayer shall forward a copy of any information provided to the department of state revenue under this section to the municipality that provided the taxpayer's PMA certification under IC 36-7-35.

Sec. 13. The department shall forward to each municipality that has adopted a PMA ordinance the total amount of all tax credits awarded under this chapter during the taxable year.

Sec. 14. The department may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 9. IC 6-3.5-6-17, AS AMENDED BY P.L.224-2007, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 17. (a)** Revenue derived from the imposition of the county option income tax shall, in the manner prescribed by this section, be distributed to the county that imposed it. The amount that is to be distributed to a county during an ensuing calendar year equals the amount of county option income tax revenue that the department, after reviewing the recommendation of the budget agency, determines has been:

- (1) received from that county for a taxable year ending in a calendar year preceding the calendar year in which the determination is made; and
- (2) reported on an annual return or amended return processed by the department in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of county option income tax made in the state fiscal year.

(b) Before August 2 of each calendar year, the department, after reviewing the recommendation of the budget agency, shall certify to the county auditor of each adopting county the amount determined under subsection (a) plus the amount of interest in the county's account that has accrued and has not been included in a certification made in a preceding year. The amount certified is the county's "certified distribution" for the immediately succeeding calendar year. The amount certified shall be adjusted, as necessary, under subsections (c), (d), (e), ~~and~~ (f), and (g). The department shall provide with the certification an informative summary of the calculations used to determine the certified distribution. The department shall also certify information concerning the part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter. This information must be certified to the county auditor and to the

department of local government finance not later than September 1 of each calendar year. The part of the certified distribution that is attributable to a tax rate under section 30, 31, or 32 of this chapter may be used only as specified in those provisions.

(c) The department shall certify an amount less than the amount determined under subsection (b) if the department, after reviewing the recommendation of the budget agency, determines that the reduced distribution is necessary to offset overpayments made in a calendar year before the calendar year of the distribution. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(d) The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to correct for any clerical or mathematical errors made in any previous certification under this section. The department, after reviewing the recommendation of the budget agency, may reduce the amount of the certified distribution over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

(e) This subsection applies to a county that:

- (1) initially imposed the county option income tax; or
- (2) increases the county option income tax rate;

under this chapter in the same calendar year in which the department makes a certification under this section. The department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide for a distribution in the immediately following calendar year and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in subsection (a)(1) through (a)(2) in the manner provided in subsection (c).

(f) This subsection applies in the year a county initially imposes a tax rate under section 30 of this chapter. Notwithstanding any other provision, the department shall adjust the part of the county's certified distribution that is attributable to the tax rate under section 30 of this chapter to provide for a distribution in the immediately following calendar year equal to the result of:

- (1) the sum of the amounts determined under STEP ONE through STEP FOUR of IC 6-3.5-1.5-1(a) in the year in which the county initially imposes a tax rate under section 30 of this chapter; multiplied by
- (2) the following:

- (A) In a county containing a consolidated city, one and five-tenths (1.5).
- (B) In a county other than a county containing a consolidated city, two (2).

(g) If one (1) or more municipalities in a county have established a property maintenance area under IC 36-7-35, the department shall reduce the county's annual certified distribution by an amount equal to the total amount of credits awarded under IC 6-3.1-32.5 with respect to qualified expenditures certified in a property maintenance area in the county in the preceding calendar year.

~~(g)~~ **(h)** One-twelfth (1/12) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 16 of this chapter to the appropriate county treasurer on the first day of each month of that calendar year.

~~(h)~~ **(i)** Upon receipt, each monthly payment of a county's certified distribution shall be allocated among, distributed to, and used by the civil taxing units of the county as provided in sections 18 and 19 of this chapter.

~~(i)~~ **(j)** All distributions from an account established under section 16 of this chapter shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate

payments.

SECTION 10. IC 6-3.5-6-18, AS AMENDED BY P.L.224-2007, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i);
- (6) make distributions of distributive shares to the civil taxing units of a county; and
- (7) make the distributions permitted under sections 27, 28, 29, 30, 31, 32, and 33 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and
- (2) the amount of an additional tax rate imposed under section 27, 28, 29, 30, 31, 32, or 33 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) Subject to subsection (j), the amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e) and subject to subsection (j), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter (other than revenues attributable to a tax rate imposed under section 30, 31, or 32 of this chapter) to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

(j) If a municipality in a county has established a property maintenance area under IC 36-7-35, the county auditor shall reduce the municipality's monthly allocation determined under subsection (e) or (g) by an amount equal to the total amount of credits awarded under IC 6-3.1-32.5 with respect to qualified expenditures certified in a property maintenance area in the municipality in the preceding calendar year divided by twelve (12).

SECTION 11. IC 36-7-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 35. Property Maintenance Areas

Sec. 1. As used in this chapter, "landlord" has the meaning set forth in IC 32-31-3-3.

Sec. 2. As used in this chapter, "maintenance activity" means the remodeling, repair, or improvement of property as defined by a municipality in a PMA ordinance adopted under section 9 of this chapter.

Sec. 3. As used in this chapter, "PMA certification" means a certification provided under section 9 of this chapter for qualified expenditures made on property in a property maintenance area.

Sec. 4. As used in this chapter, "PMA ordinance" means an ordinance adopted by the fiscal body of a municipality under section 9 of this chapter.

Sec. 5. (a) As used in this chapter, "property" means a building or structure:

- (1) assessed as real property under IC 6-1.1-4; and
- (2) listed in a PMA ordinance.

(b) The term does not include land.

Sec. 6. As used in this chapter, "property maintenance area" means an area established by a municipality under section 9 of this chapter.

Sec. 7. As used in this chapter, "qualified expenditure" means an expenditure made by a taxpayer for maintenance activities that qualify the taxpayer for a credit under IC 6-3.1-32.5 as determined under a PMA ordinance.

Sec. 8. As used in this chapter, "residentially distressed area" means an area:

- (1) that has a significant number of:
 - (A) dwellings (as defined in IC 6-1.1-20.9-1) within the area that are:
 - (i) not permanently occupied;
 - (ii) subject to an order issued under IC 36-7-9; or
 - (iii) evidencing significant building deficiencies; or
 - (B) vacant parcels of real property (as defined by IC 6-1.1-1-15); or

(2) that has experienced a net loss in the number of dwellings (as defined in IC 6-1.1-20.9-1).

Sec. 9. The fiscal body of a municipality located in a county that imposes a county option income tax under IC 6-3.5-6 may adopt an ordinance establishing a property maintenance area to provide certification of qualified expenditures on property in the property maintenance area. The ordinance shall be referred to as a PMA ordinance. The boundaries of a property maintenance area may not exceed five percent (5%) of the total land area of the municipality. The property maintenance area established under this section must be either:

- (1) a residentially distressed area; or
- (2) an area:
 - (A) that contains the types of property listed or defined in the PMA ordinance; and
 - (B) where the median assessed value of each type of property under clause (A) within the property maintenance area does not exceed the median assessed value for that type of property throughout the municipality.

Sec. 10. A PMA ordinance adopted under section 9 of this chapter must be in effect for at least one (1) year and not more than ten (10) years and must include the following:

- (1) The geographic boundaries of the property maintenance area.
- (2) A list or definition of:
 - (A) the types of property; and
 - (B) the maintenance activities;
 that may entitle a taxpayer to a credit under IC 6-3.1-32.5.
- (3) The eligibility qualifications for a contractor to perform maintenance activities within the property maintenance area.
- (4) The criteria for a landlord to be eligible for a PMA certification.
- (5) The amount of the qualified expenditures that may be certified under this chapter.

Sec. 11. The list or definition of maintenance activities determined by the municipality under section 10(2) of this chapter may include installing, repairing, or upgrading:

- (1) roofing;
- (2) siding;
- (3) a furnace;
- (4) a window or windows;
- (5) paint;
- (6) a foundation;
- (7) electrical wiring; or
- (8) plumbing.

Sec. 12. The eligibility qualifications established under section 10(3) of this chapter:

- (1) may not prohibit or disallow certification of qualified expenditures made by the owner of property for maintenance activities performed by the owner on the property if all other requirements and qualifications are satisfied for obtaining a PMA certification under this chapter; and
- (2) may require a contractor to submit to the fiscal body of the municipality:
 - (A) proof that the contractor holds a valid contractor's license;
 - (B) any complaints filed against the contractor with a better business bureau or a federal, state, or local unit of government; and
 - (C) financial statements or business plans of the contractor.

Sec. 13. The criteria established under section 10(4) of this chapter must require a landlord to:

- (1) report any violations relating to any health or housing codes applicable to any property in which the

landlord has an interest;

(2) submit a plan, before receiving a PMA certification under this chapter, to correct all violations reported under subdivision (1); and

(3) repay to the state the amount of any state tax credits awarded under IC 6-3.1-32.5, if the landlord does not correct all violations reported under subdivision (1) within a reasonable time, as determined by the municipality.

Sec. 14. If a person:

(1) makes a qualified expenditure on the person's property in a property maintenance area; and

(2) meets all the other requirements set forth in the PMA ordinance adopted by the municipality where the person's property is located;

the person is entitled to a PMA certification under this chapter.

Sec. 15. If a municipality adopts a PMA ordinance, the municipality shall forward:

(1) to the department of state revenue any information the department determines is necessary to reduce the certified distribution amount determined under IC 6-3.5-6-17 for the county in which the municipality is located; and

(2) to the county auditor of the county in which the municipality is located any information the county auditor determines is necessary to reduce the amount of the municipality's allocation determined under IC 6-3.5-6-18."

Page 8, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JANUARY 1, 2008] (a) This SECTION applies to a taxpayer notwithstanding the following:

(1) IC 6-1.1-3-7.5.

(2) IC 6-1.1-10-31.1.

(3) IC 6-1.1-11.

(4) 50 IAC 4.2-2.

(5) 50 IAC 4.2-3.

(6) 50 IAC 4.2-11.

(7) 50 IAC 4.2-12.

(8) 50 IAC 4.2-15-11.

(9) 50 IAC 16.

(b) This SECTION applies:

(1) to an assessment date occurring after December 31, 2003, and before January 1, 2007; and

(2) for property taxes first due and payable after December 31, 2004, and before January 1, 2008.

(c) As used in this SECTION, "taxpayer" refers to a taxpayer who:

(1) filed an original personal property tax return under IC 6-1.1-3-7 for an assessment date described in subsection (b); and

(2) submits for filing, after December 31, 2007, and before March 1, 2008, an amended personal property tax return and a Form 103-W for an assessment date described in subsection (b).

(d) An amended personal property tax return submitted for filing by a taxpayer in person or in any other manner consistent with IC 6-1.1-36-1.5 for an assessment date described in subsection (b):

(1) must be allowed; and

(2) is considered to have been timely filed.

(e) A taxpayer is entitled to the exemptions for tangible personal property claimed on:

(1) Schedule B of the amended returns; and

(2) each Form 103-W filed with the amended returns; filed under this SECTION.

(f) A notice of increased assessed value issued by a township assessor with respect to tangible personal property

that is subject to an amended return filed under this SECTION is considered withdrawn and nullified.

(g) IC 6-1.1-37-7, IC 6-1.1-37-9, and IC 6-1.1-37-10 do not apply to any additional personal property taxes owed by a taxpayer as the result of filing an amended return under this SECTION.

(h) A taxpayer is not entitled to a refund with respect to an amended return filed by a taxpayer under this SECTION.

(i) This SECTION expires July 1, 2009.

SECTION 14. [EFFECTIVE JULY 1, 2008] IC 6-3.1-32.5, as added by this act, applies to taxable years beginning after July 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to HB 1293 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 4.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

PFLUM, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1310, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 4.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1318, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 1. IC 9-29-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 0.5. (a) This section applies after December 31, 2008.**

(b) In addition to the fees to be collected for the registration of a vehicle as set forth in:

(1) IC 9-29-5-1;

(2) IC 9-29-5-2;

(3) IC 9-29-5-3;

(4) IC 9-29-5-5;

(5) IC 9-29-5-7;

(6) IC 9-29-5-8;

(7) IC 9-29-5-9;

(8) IC 9-29-5-10;

(9) IC 9-29-5-18;

(10) IC 9-29-5-28;

(11) IC 9-29-5-30; and

(12) IC 9-29-5-31;

the bureau shall collect an additional fee of fifty cents (\$0.50) at the time of the registration.

(c) The fee collected under subsection (b) shall be

deposited into the spinal cord and brain injury fund under IC 16-41-42.2-3.

SECTION 2. IC 9-29-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The annual registration fee for a passenger motor vehicle is twelve dollars ~~(\$12)~~ and fifty cents (\$12.50), including after December 31, 2008, the fee set forth in section 0.5(b) of this chapter.

SECTION 3. IC 9-29-5-2, AS AMENDED BY P.L.234-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) This subsection expires December 31, 2008. The fee for the registration of a motorcycle is twenty-seven dollars (\$27). The revenue from this fee shall be allocated as follows:

- (1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 20-30-13-11.
- (2) An amount prescribed as a license branch service charge under IC 9-29-3.
- (3) Ten dollars (\$10) to the spinal cord and brain injury fund under IC 16-41-42-4.
- (4) The balance to the state general fund for credit to the motor vehicle highway account.

(b) This subsection applies after December 31, 2008. The fee for the registration of a motorcycle is seventeen dollars and fifty cents (\$17.50). The revenue from this fee shall be allocated as follows:

- (1) Seven dollars (\$7) to the motorcycle operator safety education fund established by IC 20-30-13-11.
- (2) An amount prescribed as a license branch service charge under IC 9-29-3.
- (3) Fifty cents (\$0.50) to the spinal cord and brain injury fund under IC 16-41-42.2-3, as provided under section 0.5 of this chapter.
- (4) The balance to the state general fund for credit to the motor vehicle highway account.

SECTION 4. IC 9-29-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Except as otherwise provided in this chapter, the annual registration fee for:

- (1) a truck subject to registration under IC 9-18; and
- (2) a tractor not used with a semitrailer, a traction engine, or other similar vehicle used for hauling purposes;

is as follows:

Declared Gross Weight (Pounds)		Fee
Greater than	Equal to or less than	
0	7,000	\$ 20
7,000	9,000	40
9,000	10,000	70
10,000	11,000	75
11,000	16,000	135
16,000	20,000	175
20,000	23,000	235
23,000	26,000	235
26,000	30,000	295
30,000	36,000	413
36,000	42,000	506
42,000	48,000	627
48,000	54,000	730
54,000	60,000	810
60,000	66,000	858
66,000		956

(b) In addition to the annual registration fee set forth in subsection (a), an additional registration fee of fifty cents (\$0.50) shall be collected after December 31, 2008, as set forth in section 0.5 of this chapter.

SECTION 5. IC 9-29-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Except as otherwise provided in this chapter, the annual registration fee for a tractor used with a semitrailer is as follows, based on the declared gross weight of the tractor semitrailer combination:

Declared Gross Weight (Pounds)		Fee
Greater than	Equal to or less than	
0	20,000	\$ 170
20,000	26,000	310
26,000	30,000	390
30,000	36,000	495
36,000	42,000	545
42,000	48,000	660
48,000	54,000	715
54,000	60,000	800
60,000	66,000	865
66,000	72,000	975
72,000	74,000	1,050
74,000	76,000	1,165
76,000	78,000	1,240
78,000		1,350

(b) In addition to the annual registration fee set forth in subsection (a), an additional registration fee of fifty cents (\$0.50) shall be collected after December 31, 2008, as set forth in section 0.5 of this chapter.

SECTION 6. IC 9-29-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) Except as provided in section 0.5(b) of this chapter and subsection (b), the annual registration fee for each intercity bus or intracity bus is as follows:

Declared Gross Weight (Pounds)		Intercity Fee	Intracity Fee
Greater than	Equal to or less than		
0	11,000	\$ 50	\$ 10
11,000	16,000	100	20
16,000	20,000	125	25
20,000	26,000	150	30
26,000	30,000	220	44
30,000	36,000	294	59
36,000	42,000	382	72
42,000	48,000	445	89
48,000	54,000	540	108
54,000	60,000	600	120
60,000		660	132

(b) An owner or a lessee of a fleet of intercity buses may register the fleet under and pay the fees provided in IC 9-18.

(c) In addition to the annual registration fee set forth in subsection (a), an additional registration fee of fifty cents (\$0.50) shall be collected after December 31, 2008, as set forth in section 0.5 of this chapter.

SECTION 7. IC 9-29-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The annual registration fee for a school bus is twenty dollars ~~(\$20)~~ and fifty cents (\$20.50), including after December 31, 2008, the fee set forth in section 0.5(b) of this chapter.

SECTION 8. IC 9-29-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) As used in this section, "church bus" means a bus that is:

- (1) owned and operated by a religious or nonprofit youth organization; and
- (2) used to transport persons to religious services or used for the benefit of the members of the religious or nonprofit youth organization.

(b) The annual registration fee for a church bus is twenty dollars ~~(\$20)~~ and fifty cents (\$20.50), including after December 31, 2008, the fee set forth in section 0.5(b) of this chapter.

SECTION 9. IC 9-29-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) As used in this section, "other bus" means a bus that is not a church bus, an intercity bus, an intracity bus, or a school bus.

(b) The annual registration fee for any other bus is thirty dollars ~~(\$30)~~ and fifty cents (\$30.50), including after

December 31, 2008, the fee set forth in section 0.5(b) of this chapter.

SECTION 10. IC 9-29-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. The fee for a recreational vehicle is twenty dollars ~~(\$20)~~ **and fifty cents (\$20.50), including after December 31, 2008, the fee set forth in section 0.5(b) of this chapter.**

SECTION 11. IC 9-29-5-28, AS AMENDED BY P.L.79-2006, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. Except as provided in IC 9-29-12-2.5(e) and section 32.5 of this chapter, the registration fee for an antique motor vehicle under IC 9-18-12 is twelve dollars ~~(\$12)~~ **and fifty cents (\$12.50), including after December 31, 2008, the fee set forth in section 0.5(b) of this chapter.**

SECTION 12. IC 9-29-5-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 30. (a) The registration fee for a recovery vehicle under IC 9-18-13 is as follows:

(1) Class A recovery vehicle, five hundred dollars (\$500).

(2) Class B recovery vehicle, seventy-five dollars (\$75).

(b) A vehicle registered under IC 9-18-13 is not subject to any other registration fee under IC 9-18. However, a vehicle registered under IC 9-18-13 is subject to a tax or service charge **and, after December 31, 2008, the fee set forth in section 0.5(b) of this chapter** imposed on a vehicle registered under this title.

SECTION 13. IC 9-29-5-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 31. (a) The registration fee for a military vehicle under IC 9-18-14 is twelve dollars ~~(\$12)~~ **and fifty cents (\$12.50), including after December 31, 2008, the fee set forth in section 0.5(b) of this chapter.**

(b) The bureau shall collect the fee in subsection (a) in addition to any excise tax imposed under IC 6-6-5."

Page 2, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 15. IC 33-37-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) This section applies to criminal, infraction, and ordinance violation actions. However, it does not apply to a case excluded under IC 33-37-4-2(d).

(b) The clerk shall collect the alcohol and drug services program fee set by the court under IC 12-23-14-16 in a county that has established an alcohol and drug services program.

(c) In each action in which a defendant is found to have:

(1) committed a crime;

(2) violated a statute defining an infraction; or

(3) violated an ordinance of a municipal corporation;

the clerk shall collect a law enforcement continuing education program fee of ~~three four~~ **four** dollars ~~(\$3)~~ **(\$4)**."

Delete pages 3 through 11.

Page 12, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1318 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1319, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

PFLUM, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1323, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 3, after "(a)" insert "As used in this section, "dialysis facility" means an outpatient facility in Indiana at which a dialysis treatment provider provides dialysis treatment.

(b) As used in this section, "contracted dialysis facility" means a dialysis facility that has entered into an agreement with a particular insurer under section 3 of this chapter.

(c)".

Page 1, line 6, delete "(b)" and insert "(d)".

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"(e) As used in this section, "non-contracted dialysis facility" means a dialysis facility that has not entered into an agreement with a particular insurer under section 3 of this chapter."

Page 1, line 9, delete "(c)" and insert "(f)".

Page 1, line 10, after "." insert "The term does not include the following:

(1) Accident-only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Worker's compensation or similar insurance.

(4) Automobile medical payment insurance.

(5) A specified disease policy issued as an individual policy.

(6) A limited benefit health insurance policy issued as an individual policy.

(7) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

(8) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement."

Page 1, delete lines 11 through 17.

Page 2, delete lines 1 through 14, begin a new paragraph and insert:

"(g) An insurer shall establish a payment rate for a health care service rendered by a dialysis treatment provider at a non-contracted dialysis facility based on the following:

(1) The type of health care service rendered.

(2) The fees usually charged by the dialysis treatment provider.

(3) The prevailing rate paid to a dialysis treatment provider by insurers in the same geographic area during the preceding twelve (12) months.

(h) In establishing a payment rate under subsection (g), an insurer shall:

(1) not consider Medicaid and Medicare payment rates; and

(2) establish the payment rate at an amount equal to not less than the greater of the following payment rates paid by the insurer during the previous twelve (12) months:

(A) The payment rate paid to the dialysis treatment provider for health care services rendered at a contracted dialysis facility.

(B) The payment rate paid to the dialysis treatment provider for health care services rendered at a non-contracted dialysis facility.

(C) The payment rate paid to any dialysis treatment provider for health care services rendered at a contracted dialysis facility."

Page 2, line 15, delete "(e)" and insert "(i)".

Page 2, line 16, delete "the open enrollment period during which".

Page 2, line 16, delete "becomes" and insert "elects coverage".

Page 2, line 17, delete "covered".

Page 2, line 19, delete "unless the insured becomes eligible for" and insert "including the insured's out of pocket expenses."

Page 2, delete lines 20 through 42, begin a new line block indented and insert:

"(2) Change coverage or benefits in any way that would affect dialysis treatment provided at a non-contracted dialysis facility.

(j) An insurer shall not do the following:

(1) Make changes in coverage under a policy of accident and sickness in an attempt to cause an insured to elect Medicare as the insured's primary coverage.

(2) Require an insured, as a condition of coverage, to travel more than fifteen (15) miles or for longer than thirty (30) minutes from the insured's home to obtain dialysis treatment, regardless of whether the insured chooses to receive dialysis treatment at a contracted dialysis facility or a non-contracted dialysis facility.

(3) Interfere with a physician's treatment of an insured.

(k) An insurer shall do the following:

(1) Make all claim payments for health care services provided by a dialysis treatment provider payable only to the dialysis treatment provider and not to the insured, regardless of whether the health care services are provided in a contracted dialysis facility or a non-contracted dialysis facility.

(2) File with the department an annual evaluation of whether the insurer's network of all dialysis treatment providers is sufficient to provide health care services to insureds covered under a policy of accident and sickness insurance issued by the insurer.

(3) File with the department an annual evaluation of whether the insurer is in compliance with this section."

Page 3, delete lines 1 through 37.

Page 3, line 38, delete "(2)" and insert "(4)".

Page 4, line 6, delete "(3)" and insert "(5)".

Page 4, line 7, delete "(2)" and insert "(4)".

Page 4, line 9, delete "(4)" and insert "(6)".

Page 4, line 9, delete "seventy" and insert "fifty percent (50%) of the dialysis facilities in the geographic area in which health care services are provided by the network."

Page 4, delete lines 10 through 13, begin a new paragraph and insert:

"(l) The commissioner shall, not more than thirty (30) days after receiving a filing under subsection (k)(2), approve the filing or make recommendations for changes to the network."

Page 4, line 14, delete "(k)" and insert "(m)".

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 27-13-1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. "Dialysis facility" means an outpatient facility in Indiana at

which a dialysis treatment provider provides dialysis treatment."

Page 4, delete lines 26 through 42, begin a new paragraph and insert:

"(c) A health maintenance organization shall establish a payment rate for a health care service rendered by a dialysis treatment provider at a dialysis facility that is not a participating provider based on the following:

(1) The type of health care service rendered.

(2) The fees usually charged by the dialysis treatment provider.

(3) The prevailing rate paid to a dialysis treatment provider by health maintenance organizations in the same geographic area during the preceding twelve (12) months.

(d) In establishing a payment rate under subsection (c), a health maintenance organization shall:

(1) not consider Medicaid and Medicare payment rates; and

(2) establish the payment rate at an amount equal to not less than the greater of the following payment rates paid by the health maintenance organization during the previous twelve (12) months:

(A) The payment rate paid to the dialysis treatment provider for health care services rendered at a dialysis facility that is a participating provider.

(B) The payment rate paid to the dialysis treatment provider for health care services rendered at a dialysis facility that is not a participating provider.

(C) The payment rate paid to any dialysis treatment provider for health care services rendered at a dialysis facility that is a participating provider."

Page 5, delete lines 1 through 3.

Page 5, line 4, delete "(d)" and insert "(e)".

Page 5, line 5, delete "the open enrollment period during".

Page 5, line 6, delete "becomes covered" and insert "elects coverage".

Page 5, line 8, delete "unless the enrollee becomes eligible for" and insert "including the enrollee's out of pocket expenses."

Page 5, delete lines 9 through 42, begin a new line block indented and insert:

"(2) Change coverage or benefits in any way that would affect dialysis treatment provided at a dialysis facility that is not a participating provider.

(f) A health maintenance organization shall not do the following:

(1) Make changes in coverage under an individual contract or a group contract in an attempt to cause an enrollee to elect Medicare as the enrollee's primary coverage.

(2) Require an enrollee, as a condition of coverage, to travel more than fifteen (15) miles or for longer than thirty (30) minutes from the enrollee's home to obtain dialysis treatment, regardless of whether the enrollee chooses to receive dialysis treatment at a dialysis facility that is a participating provider or a dialysis facility that is not a participating provider.

(3) Interfere with a physician's treatment of an enrollee.

(g) A health maintenance organization shall do the following:

(1) Make all claim payments for health care services provided by a dialysis treatment provider payable only to the dialysis treatment provider and not to the enrollee, regardless of whether the health care services are provided in a dialysis facility that is a participating provider or a dialysis facility that is not a participating provider.

(2) File with the department an annual evaluation of whether the health maintenance organization's network

of all dialysis treatment providers is sufficient to provide health care services to enrollees covered under an individual contract or a group contract entered into by the health maintenance organization.

(3) File with the department an annual evaluation of whether the health maintenance organization is in compliance with this section."

Page 6, delete lines 1 through 25.

Page 6, line 26, delete "(2)" and insert "(4)".

Page 6, line 36, delete "(3)" and insert "(5)".

Page 6, line 37, delete "(2)" and insert "(4)".

Page 6, line 39, delete "(4)" and insert "(6)".

Page 6, line 39, delete "seventy" and insert "fifty percent (50%) of the dialysis facilities in the health maintenance organization's service area."

Page 6, delete lines 40 through 42, begin a new paragraph and insert:

"(h) The commissioner shall, not more than thirty (30) days after receiving a filing under subsection (g)(2), approve the filing or make recommendations for changes to the network."

Page 7, delete lines 1 through 2.

Page 7, line 3, delete "(j)" and insert "(i)".

Page 7, line 6, delete "December" and insert "July".

Page 8, line 2, delete "June" and insert "April".

Page 8, line 6, delete "June" and insert "April".

Page 8, after line 6, begin a new paragraph and insert:

"SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1323 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1331, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1340, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

E. HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1341, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

AUSTIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1359, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, between lines 4 and 5, begin a new line blocked left and insert:

"A determination by the director under this paragraph must be in writing and shall be delivered to all parties to the transaction. IC 4-21.5-3 applies to a determination made under this paragraph."

Page 6, line 27, delete "creditor's agent" and insert "person acting on behalf of the creditor".

Page 6, line 28, delete "creditor's agent" and insert "person acting on behalf of the creditor".

Page 7, line 24, delete "creditor's agent" and insert "person acting on behalf of the creditor".

Page 7, line 26, delete "creditor's" and insert "person acting on behalf of the creditor".

Page 7, line 27, delete "agent".

Page 7, line 29, delete "creditor's agent" and insert "person acting on behalf of the creditor".

Page 8, line 4, delete "creditor's agent" and insert "person acting on behalf of the creditor".

Page 8, line 28, delete "creditor's agent" and insert "person acting on behalf of the creditor".

Page 10, line 19, strike "or".

Page 10, line 20, delete "." and insert ", a joint venture, an unincorporated organization, or any other entity, however organized."

Page 10, line 24, after "or" reset in roman "an".

Page 10, line 24, delete "any".

Page 10, line 24, after "and" insert "or".

Page 10, line 24, after "and" reset in roman "an".

Page 10, line 25, rest in roman "organization".

Page 10, line 25, delete "sole proprietorship, partnership, trust, joint venture,".

Page 10, delete lines 26 through 27.

Page 12, line 6, delete "providing property tax forms (IC 24-4.5-3-701),".

Page 12, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 6. IC 24-4.5-3-402, AS AMENDED BY P.L.217-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 402. (1) **This section does not apply to a first lien mortgage transaction.**

(2) Except as provided in IC 24-9-4-3 with respect to a high cost home loan (as defined in IC 24-9-2-8), with respect to a consumer loan, other than one pursuant to a revolving loan account or one on which only loan finance charges are payable prior to the time that the final scheduled payment is due, if any scheduled payment is more than twice as large as the average of earlier scheduled payments, the debtor has the right to refinance the amount of that payment at the time it is due without penalty. The terms of the refinancing shall be no less favorable to the debtor than the terms of the original loan. This section does not apply to the extent that the payment schedule is adjusted to the seasonal or irregular income of the debtor.

(2) (3) For the purposes of this section, "terms of the refinancing" means:

(a) in the case of a fixed-rate consumer loan, the individual payment amounts, the charges as a result of default by the debtor, and the rate of the loan finance charge; and

(b) in the case of a variable rate consumer loan, the method used to determine the individual payment amounts, the charges as a result of default by the debtor, the method used to determine the rate of the loan finance charge, the circumstances under which the rate of the loan finance charge may increase, and any limitations on the increase in the rate of the loan finance charge.

(3) (4) If a consumer loan is made under the authority of the

Alternative Mortgage Transaction Parity Act (12 U.S.C. 3802 et seq.), the note evidencing the mortgage must contain a reference to the applicable federal law."

Page 25, delete lines 22 through 31.

Page 26, line 4, delete "means:" and insert **"means an individual consumer, or the individual's legal representative, who obtains or has obtained from the person a financial:**

(1) product; or

(2) service;

that is to be used primarily for personal, family, or household purposes. The term does not include an affiliate of the person."

Page 26, delete lines 5 through 12.

Page 32, line 33, after "not" insert **"create a substantial likelihood of misleading the public by implying that the person, firm, limited liability company, or corporation is a state or federally chartered bank or savings bank."**

Page 32, delete lines 34 through 37.

Page 80, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 75. IC 28-11-5-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) Subject to subsection (g), a financial institution subject to this chapter may:

(1) be organized as a limited liability company;

(2) convert to a limited liability company;

(3) merge with or into a limited liability company;

under the laws of Indiana or the United States, including any rules or regulations adopted or promulgated under the laws of Indiana or the United States.

(b) A bank organized as a limited liability company is subject to:

(1) IC 23-18; and

(2) this title.

If a provision of IC 23-18 conflicts with a provision of this title or with any rule of the department, the provision of this title or the rule the department controls.

(c) Any filing required to be made under IC 23-18 shall be made in the same manner as for a bank that is organizing or is organized in stock form.

(d) The department may prescribe any requirements for:

(1) the articles of organization; and

(2) the operating agreement;

of a financial institution that is organized and operates as a limited liability company.

(e) The department has the exclusive authority under this title to regulate a financial institution organized as a limited liability company. A financial institution that is a limited liability company is subject to the department's authority in the same manner as a bank that is organized in stock form.

(f) A financial institution that is a limited liability company is subject to the provisions of this title that apply to banks, except for the provisions concerning corporate governance (IC 28-13), in the same manner as a financial institution that is organized in stock form, subject to the following:

(1) In the case of a manager managed limited liability company, "director" means a manager of the limited liability company.

(2) In the case of a member managed limited liability company, "director" means a member of the limited liability company.

(g) A financial institution may not:

(1) organize as;

(2) convert to; or

(3) merge with or into;

a limited liability company without the prior approval of the department under this title."

Renumber all SECTIONS consecutively.

(Reference is to HB 1359 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BARDON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 1.

BARDON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1379, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 4.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Joint Resolution 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution be amended as follows:

Page 1, line 7, delete "The" and insert **"Subject to this section, the"**.

Page 1, line 10, before "The" begin a new paragraph and insert:

"(b) A provision of this section permitting the General Assembly to exempt property from taxation also permits the General Assembly to exercise its legislative power to enact property tax deductions and credits for the property. The General Assembly may impose reasonable filing requirements for an exemption, a deduction, or a credit.

(c)".

Page 2, line 12, strike "(b)" and insert **"(d)"**.

Page 2, line 15, delete "(c)" and insert **"(e)"**.

Page 2, line 15, delete "subsection and subsection (f)," and insert **"section,"**.

Page 2, line 22, delete "The General".

Page 2, delete lines 23 through 25.

Page 2, line 26, delete "(d)" and insert **"(f)"**.

Page 2, line 29, delete "(e)" and insert **"(g)"**.

Page 2, line 34, delete "(f)" and insert **"(h)"**.

(Reference is to HJR 1 as introduced.)

and when so amended that said resolution do pass.

Committee Vote: yeas 22, nays 1.

CRAWFORD, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Rule Suspension

The Speaker announced that, with the consent of the members, Rule 117.2 concerning the deadline for filing amendments would be suspended for Monday, January 28 to allow amendments to be filed one hour prior to convening of the session rather than two hours.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1017.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1057.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Buck and Tincher be added as coauthors of House Bill 1083.

KERSEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Battles and Lutz be added as coauthors of House Bill 1117.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1144.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dermody and Moses be added as coauthors of House Bill 1145.

PELATH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives V. Smith, Stutzman, and VanDenburgh be added as coauthor of House Bill 1162.

BELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1174.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as coauthor of House Bill 1196.

PIERCE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1224.

VAN HAAFTEN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1226.

E. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1235.

BLANTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dermody be added as coauthor of House Bill 1239.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as coauthor of House Bill 1266.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bell, Summers, and Day be added as coauthors of House Bill 1290.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1341.

STEMLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hinkle, Knollman, and Davis be added as coauthors of House Bill 1349.

NOE

Motion prevailed.

On the motion of Representative Ulmer, the House adjourned at 5:05 p.m., this twenty-fourth day of January, 2008, until Monday, January 28, 2008, at 9:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives